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REPORT

ON THE EVENTS AND CIRCUMSTANCES,
WHICH PRODUCED THE UNION OF THE
KINGDOMS OF ENGLAND AND SCOTLAND;

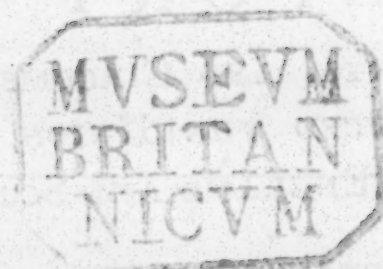
ON THE EFFECTS OF THIS GREAT NA-
TIONAL EVENT, ON THE RECIPROCAL
INTERESTS OF BOTH KINGDOMS; AND

ON THE POLITICAL AND COMMERCIAL IN-
FLUENCE OF GREAT-BRITAIN, IN THE
BALANCE OF POWER IN EUROPE.

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CONTENTS

	Page
Introduction - - - - -	I
I. — Review of the leading Facts, in the History of England and Scotland, which prepared both Nations, at the Accession of the same Sovereign to the two Crowns, for the adoption of Measures, to establish an Union between the two kingdoms.	4
II. — Articles of the Union, proposed by James I, in 1604, with the Reasonings, in England and in Scotland, on the Subject; and the Causes of the Failure of the Measure. - - - - -	30
III. — Events and Circumstances, which prevented the Continuation of the Plan of an Union, during the Reign of Charles I, and produced the Semblance of a general Union of the Three Kingdoms, during the calamitous Period of Cromwell's usurpation - - - - -	128
IV. — Events which again brought forward the Plan of an Union, between England and Scotland, soon after the Restoration of Charles II, with the	Causes

CONTENTS.

	Page
Causes, which, during that factious Period, prevented its Adoption - - -	185
V. — Revival of the Plan of an Union, during the Reign of King William, and in the first Years of the Reign of Queen Anne; with the Events and Circumstances which prevented its Adoption, and those which produced the important Treaty of Union, in 1707 - - -	231
VI. — Results from the Union of England and Scotland, marking the Effects of that Event, on the Government and Jurisdiction, on the Revenues and Trade of the United Kingdoms, and on the political and commercial Influence of Great Britain, in the Balance of Power in Europe - - -	374

The Duke of Portland
Planta & requests he will offer for the
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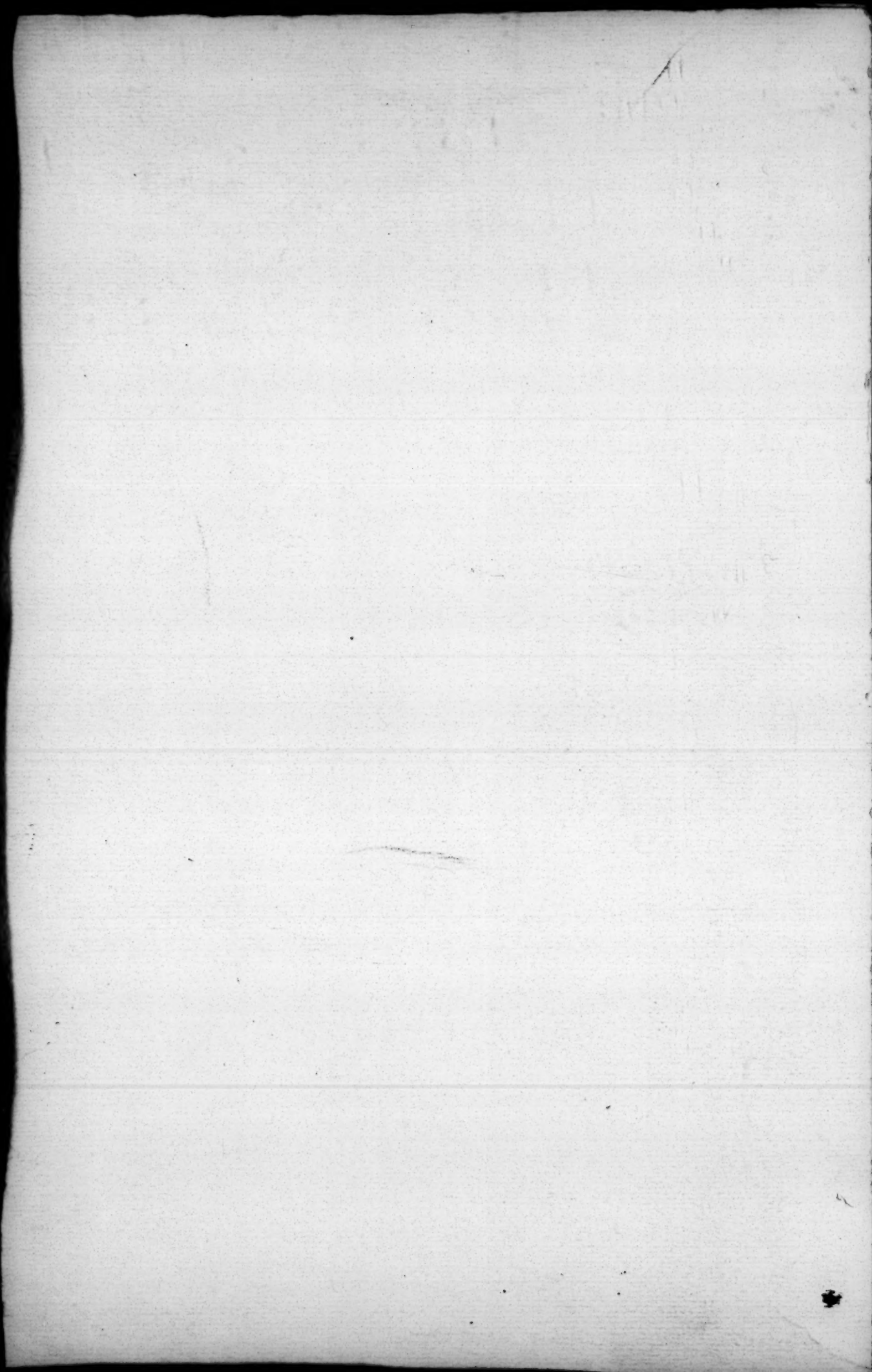
When the Question of Un
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The Duke of Portland employed
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and presents his compliments to Mr.
of the Trustees
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England and Scotland, and the
original Papers upon which the Report
of Union between Great Britain and
consideration of His Majesty's Ministers,
and Mr. Bruce, the Keeper of the State
the Precedents in the History of the
Union

Union between England and Scotland
the Subject, for the purpose of bringing
Arrangement with Ireland, the
former times, by which investigation
the Arguments which were brought
Scotland, and which time has come
with those on which the Opponents
present rely.

Whitehall
15th Feb 1799.

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State Paper Office,
Jan^y 22. 1799-
My Lord -

IN obedience to your Grace's commands, that I should place before you, authentic documents, to ascertain the sources of the union, between the kingdoms of England and Scotland; I beg leave to report, as follows:

I have made the most careful research, at this Office; and where the archives in His Majesty's Library of Manuscripts are deficient, I have obtained documents from the King's Register Office, at Edinburgh, and from such public collections, in both kingdoms, as afforded either direct or collateral evidence, on the subject; and have compared the whole with the authors, who have either professedly written on the subject, or who have partially treated of it, in the general histories of the one, or of the other kingdom.

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From

From the magnitude of the materials, as well as to give perspicuity to this Report, I have found it necessary to divide the subject, in the following manner :

I. A review of the leading facts, in the history of England and of Scotland, which prepared both nations, at the accession of the same sovereign to the two crowns, for the adoption of measures, to establish an union, between the two kingdoms.

II. The articles of the union, proposed by James I, in 1604, with the reasonings, in England and in Scotland, on the subject ; and the causes of the failure of the measure.

III. The events and circumstances, which prevented the continuation of the plan of an union, during the reign of Charles I, and produced the semblance of a general union of the three kingdoms, during the calamitous period of Cromwell's usurpation.

IV. The events which again brought forward the measure of an union, between England and Scotland, soon after the restoration of Charles II, with the causes, which, during that factious period, prevented its adoption.

V. The revival of the plan of an union, during the reign of King William, and in the first

first years of the reign of Queen Anne; with the events and circumstances which prevented its adoption, and those which produced the important Treaty of Union, in 1707.

VI. Results from the history of the union of England and Scotland, marking the effects of that event, on the government and jurisdiction, on the revenues and trade of the united kingdoms, and on the political and commercial influence of Great Britain, in the balance of power in Europe.

The documents, which form the evidence in the detail of this Report, I have placed in an Appendix; and have made my references to the numbers in it, arranged in the order of chronology.

I.—*The leading Facts, in the History of England, and of Scotland, which prepared both Nations, at the Accession of the same Sovereign to the two Crowns, for the Adoption of Measures, to establish an Union between the two Kingdoms.*

The Island of Great Britain, guarded by the ocean, presents itself to the geographer, as the situation for one of the great and independent governments of Europe, and from having coasts, intersected by numerous inlets, as the country of a commercial people.

The history, however, of the inhabitants of Britain, discovers, that in their progress from a rude to a civilized state, they have been, in the earliest periods, known in history, exposed not less to foreign invasions, than to internal wars, between the fierce chiefs by whom they were anciently ruled. These events are of little moment, except in the instances where they have led to the institutions, by which the separate kingdoms of England and Scotland have been distinguished; which, notwithstanding their union into one monarchy, still

still continue, in part, to characterise them as distinct nations.

England, after the Heptarchy had been absorbed into one monarchy, exhibited a government, that was mixed in its spirit, from the nobles having acted as the chiefs of large districts, exercising over their immediate vassals, powers which were limited, rather by the force of neighbouring chiefs, than controuled by the common sovereign of the whole ; so that the conduct of the nobles was attempered, chiefly by the influence, which the introduction of the Christian Religion had, on the martial and fierce manners of a rude or forming people.

After the establishment of William of Normandy on the throne, the inhabitants of England became more mixed in their characters, and were governed by the foreign institutions, which the Conqueror gradually engrafted on the ancient usages of the realm.

The King, therefore, had his power, and his immediate vassals, in a considerable degree, upheld by his connexion with the Continent, from which he drew resources, and derived a weight in the scale of Europe.

The relative situation of his Norman and English dominions, opened that intercourse, and those exchanges of commodities, which called forth

forth the industry of his active and enterprizing English subjects.

In the feudal ages, the power of a kingdom depended, chiefly, on the talents of its sovereign; hence England experienced successive elevations and depressions of power, according to the vigor and prudence of its kings, till the loss of its Norman possessions, rendered it more dependent on its own internal strength and resources, and brought forward a general attention, among Englishmen, to the interests and government of their native country.

Such was the political situation of England, at the accession of Edward the First, and so guided was this able prince, by the ambition of extending his power over the whole island, that he fought, at one time, by *succession*, and at another, by *conquest*, to establish this domestic empire.

From this reign, down to that of James I. successive plans were, in vain, tried, to consolidate England and Scotland into one monarchy, the importance of which event, the minds of the English and Scottish nations appear, generally, to have felt.

Great Britain was, at this juncture, divided into three sovereignties, England, Wales, and Scotland; the union of which, into one great mo-

narchy, it was fully perceived, would raise the island to its just level among the States of Europe, and give to its inhabitants, that consideration, in war and in peace, for which, from their fortunate local situation, they seemed to be destined.

The fertility of the soil of England, the value of its staple products, the profitable exchanges which it could make of them, for those of the Continent, were now beginning to be understood, and the industrious inhabitants of its towns acquiring arts, and establishing those various branches of trade, which, in a short time, gave them consideration, and made them begin to be felt in the constitution.

These circumstances could not escape either the observation or ambition of Edward I. By the conquest of Wales, he had extended his dominions, on one frontier, to their natural boundary, the ocean, and thus comprehended the provinces of Britain, from Cornwall to the Tweed, in his kingdom*.

Scotland, during this progress of the English monarchy, exhibited fewer vicissitudes in its government, and had remained with less intermixture

* Rapin, Vol. I. p. 361.—Hume, Vol. II. p. 239.—On the authorities of Powel's History of Wales.—Heming, Trivet, &c.

ture of inhabitants, than England had experienced. It is true, a contingent influx of foreigners into the southern Provinces of Scotland, speaking the same language with the English, had assimilated, in part, the Scottish, to the English character ; and the holding feudal lands in Scotland, by similar tenure, with those of the nobles in the northern provinces of England, had prepared the Scots for the same government ; but the intercourse, between the two kingdoms, had hitherto been inconsiderable, either in war or in peace, and no events had occurred, to render it more frequent.

The succession of the kings of Scotland, had been less interrupted, than in England, and though disturbed by contingent usurpations, the crown had returned to the true heir of the regal race. The right to the crown was thus recognised by the same usages, which guided the patrimonial rank of the nobles or chiefs : Hence succession to inheritance, in this early period, seemed to be the most fixed principle in the government.

These institutions were fully recognized in the southern, while in the northern provinces, the hereditary chiefs took less a part in the administration, and were employed in local wars against each other, or in combinations against the sovereigns, whose titles, indeed, they recognized, but whose prerogative they perpetually controuled.

Scotland

Scotland, neither in extent of country, in fertility of soil, in numbers of inhabitants, nor in resources, was equal to a contest with its richer and more powerful neighbour; but whether from its coast being less exposed to foreign invasions (except partial landings from Norway and Denmark) or from contingencies only, it preserved its ancient usages unimpaired, and remained an independent sovereignty.

In both countries, and in Scotland in an eminent degree, in these early periods of history, success or misfortune depended (as has been already noticed,) more on the talents of the sovereign, which drew to him the confidence and the aids of his nobles and of their vassals, than on any fixed system of government.

Each kingdom, in its turn, had its king possessed of different degrees of talents, in different ages; and hence, the sovereigns of the British Island maintained their distinct powers independent, so that the feudal badge of homage, which we shall frequently find to be claimed and lost, or relinquished by the Kings of England over the Kings of Scotland, was never permanently recognized. The Scottish Kings, therefore, were sovereigns of provinces, which extended

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from the northern extremity of the island to the Tweed.*

The intermediate provinces, between this river and the Tyne, though forming a part of the kingdom of England, were the theatres of perpetual depredation and plunder, and known to both kingdoms, under the name of the Border Counties, for which laws were enacted, to prevent intercourse and connexion between the inhabitants who defended the limits, to keep each in a preparation for perpetual war; and thus to preclude them, from the cultivation of the useful arts, or those commercial relations, which could alone obliterate animosities, or soften down national prejudices.

England, after the period of Edward I, considered the resistance, which, for ages, had been made to its arms by the Scots, who possessed a sterile and divided country, as proceeding from obstinacy, and the habit of violating treaties; and the Scots considered every invasion of the borders of England, as breaking a link in the chain, so often fabricated for them by the English; and therefore a just retaliation, and a fair revenge, for the injuries which they had experienced from the
more

* Hume, Vol. II. p. 245, et seq.

more numerous hosts of their powerful neighbour, endeavouring to sweep away their national independence.

In human nature, and in events, we may trace the sources of the prejudices of the two nations against each other. The consciousness of greater power in the English manifested itself in haughty pretensions of a right to subdue; the consciousness of inferior power in the Scots, but of equal spirit, met these pretensions with indignation, and revenged them with perseverance.

It is from these events, that in this distant and enlightened period, we can account for the Kings of Scotland, after the reign of Edward I, resorting to French alliances, that they might be enabled to resist their more powerful neighbour, serving as auxiliaries in the French armies, which combated him in his foreign provinces, and deeming it wise, to weaken the force he could bring into the field, for the conquest of Scotland, by meeting him in a distant country; and it is from the same circumstances, that we can observe the foresight of Edward I, laying hold of the events in Scotland, upon the death of Alexander III, that he might build on them, his favourite plan of acquiring the sovereignty of that country, first by marrying his son to the heiress of
the

the crown, and when her unforeseen death prevented the accomplishment of this scheme, by leading his army to the northern extremities of Britain.

As these events mark the first intentions of the English monarchs, to bring the two countries under the same sovereign, and discover the Scots, on the principles of an independent nation, meeting his plans, or resisting them, in proportion as their independence was acknowledged, or struck at; and, as the same schemes were continued for three hundred years, it will be necessary to recapitulate the leading facts, in order to understand the circumstances, in the two countries, which prepared both nations, at the accession of the same sovereign to the two crowns, for measures leading to an union of the two kingdoms.

Alexander III. King of Scotland, had married a princess of England, the sister of Edward I*, and on the accession of the latter monarch, a mutual confidence appears to have subsisted between the two sovereigns; for Alexander and his Queen came into England to congratulate her brother on his arrival from the Continent, but the Queen died,
on

* Hume, Vol. II, p. 245.

on her return to Scotland. Her sons, David and Alexander, and the Princess Margaret, who had been married to Eric, King of Norway, in a short time after this calamity, paid the like debt of nature.

This Princess, however, left one daughter, known, in the history of the times, by the name of *Margaret the Maid of Norway*.

These domestic calamities of the Scottish King were followed, in 1285*, by the accidental death of that sovereign, in consequence of a fall from his horse, near Kinghorn†, a town of Fife-shire, situated on the opposite shore from Edinburgh.

As Alexander left no male issue, and no descendant, but the daughter of Margaret, who had been married to the King of Norway, this Princess was recognized by the States of Scotland, as heiress to the kingdom, and five guardians appointed, as vicegerents, during her minority‡.

This

* Rapin, Vol. I, p. 365.—Hume, Vol. II, p. 245, on the authority of Heming, Vol. I, p. 29, and Trivet, page 267, makes this circumstance to have happened in 1286.

† The precipice from which the King was thrown from his horse, has been termed, by the country people, the King's wod (or mad) end.

‡ Hume, Vol. II, p. 246.—The guardians were, the Bishop

This event induced Edward, in 1290, to form a plan of bringing the two kingdoms under one sovereign, by proposing a marriage, between Prince Edward, the heir apparent to the Crown of England, and the Maid of Norway, or the young Queen of Scots ; a connexion, which would have fixed his rights of sovereignty over the whole island, *by succession*, in his family *.

The temper of the Scottish nation, at this juncture, appeared, by no means, adverse to this measure.—A convention of Estates was held at Scoone, to which Edward sent his ambaffador, to propose to it the marriage ;

He represented to the Scottish Estates, the advantages which both kingdoms would derive from such an event, and met with compliances, which fully promised success to his mission. Whether we are to ascribe this acquiescence to the late friendly intercourse between the two Kings, which had mollified, for a time, the national animosities, or to the favourable opinion which Edward's conduct had, hitherto, encouraged in the Scots,

Bishop of St. Andrew and Glasgow, the Earls of Fife and Buchan, and James, Steward of Scotland.

* Hume, Vol. II, p. 246.—Rymer, Vol. II, p. 268.

Scots, the convention met the wishes of the English Sovereign, on the basis of independent nations, availing themselves of a fortunate contingency, for consolidating their common interest.

Edward, in this transaction, observed a scrupulous attention to the prevailing prejudices of the times, as well as to the jealousies of an inferior, but independent people, about to coalesce with a great nation. *

He

* Buch. de Rer. Scot. Lib. VIII, page 72, gives the following description of this assembly.—“Hi, cum in conventu
“publico, multa de utilitate publica, quæ hoc matrimonium
“esset secutura, differuissent *Scotorum* animos ab ea affinitate
“non alienos invenerunt. Erat enim *Edwardus* vir magni
“animi, magnæque potentiæ: Majoris etiam cupidus;
“ejusque virtus, patre vivo, in bello sacro, et mortuo, in
“subigenda Vallia, enituerat. Neque *Scotorum* nomen unquam
“*Anglo* conjunctius fuisse, meminerant; quam, sub postremis
“regibus, nec odia vetusta, unquam commodius aboleri posse
“videbantur, quam si uterque populus honestis & æquis
“conditionibus, in unum coiret.”—De Foe, (Edin. Edition, 1709, page 7) quotes this authority, and infers from it, that it was understood by the Scottish Convention;

1. “That an entire corporation of countries, coalition
“of interests and affection, as well as commerce and constitu-
“tion, was designed, even at that distance of time, as the only
“means to settle the peace and happiness of both nations.”

2. “That it was the best juncture, that ever had hap-
pened, or could happen, for such a coalition, and nothing but
the

He first obtained a dispensation from the Pope, for the marriage of the Prince with the Queen of Scots ; next, he sent the Bishop of Durham to Norway with this dispensation ; then published the articles, by which the two kingdoms were to be united : *viz.*

—That the Scots were to preserve and enjoy their ancient laws, liberties, and customs ;

—That in case there should be no issue of the marriage, the Crown of Scotland should revert to the next heir, and be possessed by him, as free and independent ;

—That the military tenants of the Crown of Scotland should not be obliged to go out of that kingdom, to do homage to the sovereign of the united kingdoms, nor the chapters of cathedrals to make elections ;—and

—That the Scottish Parliament should always be held in that kingdom.

And lastly, by an oath, under the penalty of paying to the church of Rome 100,000 * pounds sterling

the immediate hand of Providence, who reserved it for a more happy time, and for more happy instruments to finish, could have prevented."

* Hume, Vol. II. page 247, says, that Edward bound himself, under the penalty of 100,000 *marks*, payable to the Pope,

sterling, he was to maintain the Scottish privileges, on the Estates agreeing to put him in possession of the places of strength in their country.

This union, therefore, would have been completed, had not the unexpected death of the Maid of Norway, or Queen of Scots, in a moment, destroyed the hopes of tranquillity in both kingdoms. *

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Pope, for the use of the Holy War, to observe these articles; and quotes, as his authority, *Rymer, Vol. II. page 282.*—*De Foe* says, under the penalty of “100,000 pounds sterling, an “immense sum in those days,” to be paid to the Pope, for carrying on the Holy Wars; and quotes, as his authority, a Record in the Tower of London, which he prints in his *Appendix, No. I.* of which the words are, “Sub pœna centum “millium librarum sterlingarum solvendarum ecclesiæ Ro- “manæ in subsidium terræ sanctæ,” page 95.

* *De Foe*, pages 7 and 8 infers, that the union of the two kingdoms, at this early juncture, was proceeding, upon the very same principles, upon which, four hundred years afterwards, it was settled in the time of Queen Anne; and in his *Appendix*, has printed the documents, upon which, he rested this opinion, *viz.*

The instrument, or form of this union, by Edward, found among the Records in the Tower of London; see his *Appendix, No. I. page 92.*

The dispensation of the Pope, Nicholas; his *Appendix, No. II. page 95.*

The letters of Edward, to Eric, King of Normandy; his *Appendix, No. III. page 96.*

The

From the disposition of the Scots, as well as from their confidence in King Edward, it would appear, that they had already entertained correct principles, respecting the succession to the Crown ; for the Estates met at Scoone, to examine and to judge of the claims of the competitors.

The descendants of William, King of Scotland, who was taken prisoner by Henry II, being extinct, the right of the crown devolved on the issue of his brother, David, the Earl of Huntingdon, who having no male heirs, the succession opened to the descendants of his daughters.

Margaret, the eldest, left one daughter, married to Baliol, by whom she had a son, who therefore became the principal competitor.

Isabella, the second daughter, had a son, Bruce, who was alive, and was the second competitor.

Adama, the third, married to Lord Hastings, left a son, who insisted, that the inheritance was divisible among the descendants of the three daughters.

Baliol's

The articles of the proposed marriage, &c. *Appendices, Nos. IV, V, VI, and VII. page 97 to 99.*

The instruments found in the Records of the Tower, containing Edward's Oath ; *Appendix, No. IX:* with the security to Scotland ; *Appendix, No. X, page 101.*

Hume, Vol. II. page 247.

Baliol's claim, as sprung from the elder branch, was founded upon the principle of representation; but Bruce, as being nearer to the common stock, claimed a preference.*

The States were divided, in their opinions of the pretensions of each candidate ; and it was agreed, by all parties, to submit the decision to the award of Edward.

Instead of rewarding this generous confidence, by an honorable decision, Edward, disappointed in his hopes of acquiring Scotland, by *succession*, resolved to subject it to feudal homage. Employing, therefore, his emissaries, to discover the temper and the character of the competitors, he found that Baliol, with his adherents, would agree to do homage for Scotland, but that Bruce, at first, had answered, he scorned to enjoy the Crown, at the price of his country's bondage, though he afterwards acquiesced in doing homage to Edward.

The decision of Edward, therefore, was pronounced in favor of Baliol, who, with his adherents, swore fealty to the English monarch.†

Edward, that he might confirm his title, encouraged appeals being carried to him, as lord superior.

* Hume, Vol. II, p 248.

† Ibid. Vol. II. p. 258, on the authority of Rymer, Vol. II. p. 590, et seq.

superior, and the Earl of Fife offered one, against a decision of Baliol. Edward availed himself of this circumstance, to ratify the homage of the Scots, by calling Baliol before his Council, to plead for himself.

Though the temptation of the Crown had, for a moment, stifled the principles of honor in this young Prince, his feelings were not prepared for so disgraceful a consequence. He was compelled to yield; but secretly formed an alliance with the King of France, in a war, between that monarch and Edward, who now required him to send a Scottish army, to act with the forces of his superior. Baliol renounced the homage, as having been forced on him, and set Edward at defiance. This was the point to which Edward wished to bring him; as it afforded him, according to the feudal ideas, a right to punish Baliol, as a vassal in rebellion.

An English army, therefore, was prepared for the invasion of Scotland, which, in a short time, over-run the whole of that kingdom. The conqueror returned in triumph, leaving garrisons in its principal strong holds.

This humiliation, followed by an improvident severity on the part of the English, harrowed up all the ancient animosities between the
two

two nations, drove a people, violent in their character, to defend their lost country, which, from its fastnesses, they deemed to be ultimately impregnable.

The talents and intrepid valour of Wallace, set an example to the spirit of his countrymen, and rendered them desperate. Though this hero, after performing prodigies of valour, fell a sacrifice to the illiberal revenge of Edward; the spirit, which his patriotism had raised, survived him who had inspired it, and saved his country from dishonour and conquest*.

The grandson of Bruce, the competitor, next placed himself at the head of a new confederacy of the Scottish nobles, was recognized by them as their King, and prepared to resist the English invasion, with which Edward was again menacing the kingdom.

The death of Edward, deprived England of those talents in their sovereign, upon which success depended, and afforded Bruce the opportunity to display that vigour, courage, prudence, and perseverance, by which he was so eminently distinguished.

* Hume, Vol. II. p. 299, on the authority of Walsingham, p. 70.—Heming, Vol. I. p. 90, et seq.

guished. His decisive victory over Edward II. at Bannockburn, enabled him to dictate terms of peace, which annulled all those pretensions to homage, which Edward I. unhappily for both kingdoms, had so recently arrogated*.

After a prosperous reign of twenty-four years, the death of the wise king of Scots, again exposed the country to a series of wars, equally destructive to the alternate victors and vanquished ; the Scots, uniformly endeavouring to support their independence, by a connexion with France, and the English, not less uniformly, considering these connexions as dangerous and hostile.

Two hundred years almost elapsed, without any connexions being formed, between the two regal houses in Britain, which could lead to an Union, by *succession*.

Henry VII. appears to have been the next English monarch, who had the foresight to anticipate such an event, by giving his eldest daughter, the Princess Margaret, in marriage to James IV. of Scotland, in preference to the king of France, to whom he married the second daughter, the Princess Mary†, upon the principle, that in default
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* Hume, Vol. II. p. 313—340.

† M.S.S. History of the Union.

of his male descendants, it would be more for the safety of England, that the next heir to his Crown should be in the Scottish line, which would bring a lesser kingdom to coalesce with the greater, and continue England the seat of government, than with France, which would remove the seat of government to that rival country, and annex England to it, as a dependency.

The immediate effect of the marriage of James IV. was a temporary peace with Scotland, which soon terminated in a war, in the reign of Henry VIII, in which the ill fated Scottish monarch, and the flower of his nobility, were cut off, at the battle of Flowden Field*.

These successive disappointments, did not alter the projects of *succession*, by the kings of England; on the contrary, it appears, to have become a fixed maxim in their administration; for Henry VIII, who had then no male descendants, projected a marriage, between James V of Scotland, and his eldest daughter, the Princess Mary, that the two kingdoms might become the inheritance of their descendants. To favor this connexion, Henry, contrary to his usual insolence of temper, treated his Scottish prisoners with lenity, to conciliate

* Hume, Vol. III. p. 438.

ciliate their assent, and offered to confer the highest honors upon the king of Scots, by creating him duke of York, and a Peer of England*.

By this time, however, Henry had changed the Popish, for the reformed Religion, in England, while the Scots, as yet strangers to the new doctrines, were attached to the Romish Faith.

The Scottish clergy judged (and in every age they have had a strong influence on the minds of that people) that as Henry had suppressed the abbeys and monasteries in England, the like suppressions would take place in Scotland, should his power become paramount in their country.

James, influenced not less by the reports he had heard of the mean appearance of the Princess, than by the influence of his Popish counsellors (for the bigotted character of Mary was yet unknown) rejected, with perhaps inconsiderate circumstances, the match which had been proposed for him, and married Mary of Guise, a branch of the royal family of France.

The events in the reign of James, were chequered by factions among his nobles, divided, partly by civil and partly by ecclesiastical broils; and in 1542, this accomplished prince died, of
what,

* De Foe, page 15.

what, in the emphatic language of common life, is termed, a broken heart, leaving his throne to his infant daughter, Mary Queen of Scots *.

Henry was succeeded by his son, Edward VI. an event which revived, in the Protector Somerset, the maxim of the English monarchs, of endeavouring to unite the two kingdoms, by *succession*.

The age of young Edward and of Mary was nearly the same. The death of Henry VIII, and the accession of Edward, seemed rather favourable to the connexion, as the early years of both sovereigns were calculated to soften the prejudices of the nations, which the haughty and imperious character of Henry might have increased and confirmed.

The English Council, and the Scottish Reformers, appear to have been equally disposed for the alliance; but the Queen Regent was averse to it. A zealous Catholic, but possessed of prudence and knowledge of the turbulent people, over whom she presided, she preferred the French alliance. A war followed, in which the Scots were defeated at Pinkie. Still Somerset hoped to

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accom-

* Buch. de Rerum Scot. Lib. VII. p. 76, quoted by De Foe, p. 16.

Hume, Vol. IV. p. 230.

accomplish an event, upon which the tranquillity of the two countries seemed so much to depend. For this purpose, instead of assuming the tone of a conqueror, he published a declaration, expressive of friendship for the Scots, proposed the marriage, as the only means of cementing the two countries, promised the Scots security for the maintenance of their laws and customs, and such commercial advantages, as he apprehended would induce the ruling powers in Scotland, to accede to the measure *.

The influence of the Scottish Catholics, coincided with the views of the Queen Regent ; who, from affinity, was biased in favor of a French connexion, which she held to be necessary, for maintaining the independence of the kingdom of her infant daughter, and formed the scheme of conveying her to France, as a place of safety, from which her country might receive not only assistance, against the English, but the young Queen, an education in the Romish religion, now beginning to be undermined, if not openly attacked, in her divided kingdom †.

The

* De Foe, page 17, and Appendix, page 102, has preserved this declaration, quoting, as his authority, Holingshed's History of England, Vol. III. p. 998.

† Hume, Vol. IV. p. 340.

The union of the two kingdoms thus, by *succession*, once more disappeared, and the fluctuation of ecclesiastical opinions, seemed to have rendered their separation more positive.

On the death of Edward VI, Mary, his successor, restored the Catholic religion to her kingdom, while the Reformers in Scotland, were now linked together in associations, which, if they did not pretend to question the rights of their young sovereign, were publicly arrogating the administration of the government. The prudence of the Queen Regent, for a time, kept in check their encroachments, which, however, gradually became more threatening, and obliged her to call for the assistance of French auxiliaries.

The death of this wise Princess, though the young Queen was now married to the Dauphin, afterwards Francis II, opened the regency to the contending leaders of the Scottish factions. The death of Francis II, depressed the influence of the Dukes of Guise, and compelled the young Queen to return among her ferocious subjects. Neither the unrivalled beauty, nor accomplishments of Mary, could procure her indulgence in the religion, in which she had been educated, nor that obsequiousness in her subjects,

which her winning manners, in less turbulent times, would have commanded *.

Elizabeth had now acceded to the English throne, established the Protestant Religion in her kingdom, and that she might cut off the French from an influence in Scotland, which she deemed dangerous to her power, secretly encouraged the malcontents, who took refuge in England, enfeebling thus, that very prerogative in Scotland, of which she was so tenacious in her own kingdom, till, at last, the factions which she encouraged, became predominant, drove the unfortunate Mary to the devoted resolution, of seeking protection from the generosity of her kinswoman and rival, but to find only captivity and a scaffold.†

This event gave to Elizabeth the indirect sovereignty of Scotland; for, on the one hand, the young King was under the influence of the very factions, which she alternately had raised and depressed; and, on the other, the prospects of succession to the Crown of England, after he acquired the age of judging for himself, so warped all his actions, and even his feelings, as habitually to give dissimulation to the one, and even, on the murder

* Hume, Vol. IV. p. 440.

† Ibid, Vol. V. passim.

murder of his mother, to admit only of a momentary rage to the other.*

The death of Elizabeth, at last, realized an event, for which so many connexions, between the regal families of England and Scotland had been formed, which had been the source of so many calamities to both nations, and which, perhaps, even in the different advances of civilization which England and Scotland had reached, would not have been attended with beneficial consequences, if unaccompanied with a coincidence in the religious opinions each had embraced. Perhaps, too, the accession of a sovereign of a lesser to the throne of a greater kingdom, contributed to this end; for it prevented the jealousy, which the Scots would naturally have entertained of the English, and confined this baneful passion, in England, to suspicions of temporary partialities in the common sovereign, towards individuals of his native country.

Such were the leading events, in the history of England and of Scotland, which led to the union of the two Crowns, either by *succession* or partial *conquests*, and prepared both nations, at the accession of James, for the adoption of measures, for an union of the two kingdoms.

* Hume, Vol. V. passim.

II.—*Articles of the Union proposed by James I, 1604, with the Reasonings in England, and in Scotland, on the Subject, and the Causes of the Failure of the Measure.*

The accession of James to the Crown of England, in 1602-3, placed the inhabitants, not only of that country, but of Scotland, in a new political situation. The interests of each, from the remotest ages, had been as opposite as the constitution of the kingdoms, and the habits of the people were different and marked. Each had its own sovereign, and each had its distinct Parliament; and laws had been made by each, calculated to confirm mutual injuries into national prejudices.

It was natural for James, who contemplated his succession to the Crown of England, as his patrimonial inheritance, to consider himself entitled to realize the plans of union, which so many of the English sovereigns had either attempted, by *succession*, or by *conquest*; and it was not less reasonable for him to suppose, that his propositions, for obliterating the animosities of his old and his
new

new subjects, would be acceptable to both. His power, as King of England, had placed him in a situation to control, if not to command the obedience of his Scottish nobles, whose influence it had been the unavailing aim of so many of his predecessors to abridge; and his reception in England, by all ranks and orders of men, had so strongly impressed his warm but inconsiderate temper, that he looked forward to a ready compliance with a measure, calculated to consolidate his empire, and to perfect the happiness of his subjects in both realms.

Had James deliberately studied the constitution or the temper of the English nation, or estimated the difficulties of accommodating either the one or the other, to the government and prejudices of his native country, he probably would have devised more slow, and therefore more effectual means, than those to which he resorted; but eager in his feelings, and blind to the mutability of a new allegiance, he experienced contradiction and opposition where he least expected either, and was thus the author of his own disappointment.

That the real aspects of the union, as proposed by James, may be distinctly seen, it may be a proper preliminary, to refer to the constitution
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of the Parliaments of the two kingdoms, and to connect both, with the measures proposed for an union, as this will unfold the real cause which prevented its accomplishment for a century.

The feudal government was simple in its spirit, and uniform in its operations ; but, in almost every country of Europe, its termination depended on contingencies and events.

Though a feudal monarch commanded the military force, and was the supreme judge, the subordinate chiefs, or nobles, were his council, and could be tried by their peers only ; his court, therefore, was attended by his immediate vassals, who assisted him both in passing and in executing his decrees. When assembled on these occasions, they established, by mutual consent, such regulations as appeared for the common advantage of the whole, and granted, voluntarily, such supplies as the necessities of the King appeared to them to require. By their tenures, they were, however, bound to attend him in his wars, as well as to assist him in his courts, under the general name of services ; and after the ecclesiastics began to hold lands of the crown, they, in like manner, became bound to similar services.

In the progress of civilization, arts and commerce gave degrees of wealth to the lower orders

ders of the people; and the towns or cities acquired privileges, and paid a considerable part of the taxes, which were levied on the people. The representatives of those towns, were, therefore, admitted to a voice, in the great council of the nation, and thus became a new branch of the constitution.

All the vassals of the King were bound to services; but those, only, who retained their fiefs, undivided, were termed the *Great Barons*, to distinguish them from those, who held their lands by an inferior tenure, who were the *Lesser Barons*. This last order deemed attendance on the King a burden, and by degrees, acquired exemptions from this service, on the condition of their electing, in each county, representatives, to appear in their name.

These representatives were termed *Knights of the Shires*, and met along with the citizens, or the representatives of the towns, which had obtained charters to send delegates, who were to give their opinion on the taxes, which were to be levied from their constituents.

In England, Parliament took from these feudal origins a defined form, at an early period, in its history; and is thus described by Blackstone.

“ The constituent parts of a Parliament are,
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“ the King’s Majesty, sitting there, in his royal
 “ political capacity, and the three Estates of the
 “ realm, the Lords Spiritual and the Lords temporal
 “ (who sit, together with the King, in one House)
 “ and the Commons, who sit by themselves, in
 “ another, and the King and these three Estates,
 “ together, form the great corporation, or body
 “ politic of the kingdom, of which the King is
 “ said to be *caput, principium & finis*. For upon
 “ their coming together, the King meets them
 “ either in person, or by representation, without
 “ which there can be no beginning of a Parliament,
 “ and he also has alone the power of dissolving
 “ them.”*

Though such was the constitution of Parliament, as it “ has stood for the space of at least
 “ five hundred years †,” several circumstances occurred, at the accession of the Stuarts, that explain the sources of the opposition, in England, which James experienced, in his attempt to form an union between the two kingdoms.

The meetings of Parliament had been irregular and precarious, and the people had been accustomed to look up to the Prince, as the only
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* Blackstone’s Commentaries, Vol. I. p. 153.

† Ibid, p. 149.

permanent Magistrate. The long reign of Elizabeth, from the frequent instances of public danger, and from the vigour and wisdom of her administration, had been extremely favourable to the prerogatives of the Crown, which the lawyers had defined, "to be real and durable." In jurisdiction, this prerogative was founded on precedent, and therefore frequently considered as a latent power, which might be exerted on any emergency; but in the English government, this necessity alone authorized any extraordinary act of regal power, to make it obligatory on the people. James, however, at his accession, exercised this prerogative, when the necessity was not generally felt, and though the power itself was not new, his use of it was improvident. *

A memorable instance occurred, in the proclamation which he issued, for calling his first Parliament; for though this exercise of power had been acquiesced in, during the preceding reign, it had even then excited a jealousy in the House of Commons, respecting their privileges; but the vigour of the Queen's administration, overruled an opposition, which the Scottish monarch was unable to restrain.

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* Hume, Vol. VI. p. 161.

The favors and honors which he had prodigally bestowed on his Scottish subjects had given a cast to the temper of Parliament and of the nation, which proved unfavourable to the union of the two kingdoms. *

The Parliament of Scotland, though it had arisen out of the same feudal source, with that of England, was, by no means, so perfect in its composition, or defined in its characters.

It was not till the reign of Robert Bruce, 1326, that burgeses were admitted into this assembly; and it was not till the reign of James I. 1427, that the lesser Barons were, by statute, exempted from personal attendance, or permitted to elect representatives†. This privilege, however, they

* Hume, Vol. VI. p. 18.

† Statute 27—See Scotch Acts, Vol. I. cap. 101.

It would appear from this act, that James wished to introduce the practice of England, in having two Houses, one for the Lords, and one for the Commons; for in the act exempting the lesser Barons from attendance, it is said, that out of the “Commissaries of all the shires shall be chosen one wise man and expert, called the Commoun Speaker of the Parliament, the quhilk shall propone all and fundrie needis and causes, pertaining to the Commouns, in the Parliament or General Council.”

No such Speaker was, however, chosen; and by a subsequent

they seldom resorted to, during an hundred and sixty years; for until the reign of James VI, no King had required them to send, regularly, their representatives to Parliament.

The Parliament consisted anciently of the Great Barons, of the Ecclesiastics, and a few Representatives of Boroughs, forming one House, in which the Lord Chancellor presided. The greater Barons neglected attendance on the Parliament, deeming themselves, in most cases, independent of it; the Burgeßes were few in number, and the Ecclesiastics were, from their situation, devoted to the Crown, so that the King could either keep back the summons from those, whom he suspected to be adverse to his views, or he could exclude them altogether. Laws, therefore, were rather edicts of the King, than deliberate acts of a Legislative Body.

This power of the Crown was still farther strengthened, by the institution of a committee, termed the *Lords of the Articles*, who prepared the laws, and digested them into form, before they were to receive the sanction of Parliament.

Every

sequent act, the Chancellor was declared perpetual President of Parliament.*

* Robertson's History, page 48.

Every motion for a new law originated in this committee. What it approved, was formed into a bill, and presented to Parliament ; and what it rejected, probably could not be introduced into the House, as this Committee possessed a negative before debate.

With the advances of civilization, the Lords of the Articles were elected by Parliament, and consisted of an equal number out of each estate, or of eight Spiritual, eight Temporal Lords, and eight Representatives of Boroughs, to which were added, eight of the Great Officers of the Crown : so that the King, almost in every case, influenced the majority of the members who attended.

The King of Scotland thus, though the most limited Prince in Europe, possessed a prerogative, which the most absolute had not attained *. If, therefore, James be considered, either as habituated to the notions of prerogative, which his situation as King of Scotland was calculated to confirm in his mind, or to the exercise of prerogative in England, of which Elizabeth had set him the example, we need not be surprized at the uses which he, and his family, unhappily for themselves, made of it.

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* Robertson's History of Scotland, XIII Edition, p. 49, seq.

This comparison of the constitution of Parliament, in the two countries, opens another source of opposition to the union, or the laws which each country had made, during a succession of ages, to prevent the intercourse between the two nations. These laws, perhaps, more strongly than any detail of events, will mark the different advances of civilization in the two countries, and discover the fixed national prejudices, which James, in his plan of union, had to overcome.

It would appear, that positive laws, affecting the intercourse between the inhabitants of England and Scotland, began to be enacted in England, after the long wars, which had subsisted, between the two kingdoms, during the reigns of Edw. I. II. and III. had terminated in the dereliction of the claim of the Kings of England, to homage by the Crown in Scotland.

Richard II, referring to Scotland, in common with other foreign countries, prohibited his subjects of every description, under pain of forfeiture of their goods, to pass into Scotland, without his license, excepting only lords, and other great men of the realm, true and eminent merchants, and the King's soldiers*.

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* Statutes of Northampton, 1380, cap. 2.—Statutes at Large, Vol. I. p. 350.

The same sovereign, in 1381, prohibited, under the like forfeiture, the exportation of arms, and of provisions, either by sea or by land, to Scotland*.

During the active reign of Hen. V. in 1416, and while a truce subsisted, between England and Scotland, it was found, that the Border Counties had been aggrieved, in the loss of their goods, by the depredations of the Scots; and therefore, an act passed, enabling the wardens of the Marches, to call for redress of such grievances; and in case of restitution being refused, these wardens were empowered to grant "letters of marque," entitling the person, possessed of them, to recover his goods by force†.

Farther, to establish a system, for judging of offences, committed on the East and West Marches, by the statutes made at Reading, courts were established, in 1451, in Cumberland, Westmorland, Northumberland, and at the town of Newcastle upon Tyne, to take cognizance of all complaints, and to judge of them‡.

Soon

* Statutes made at Westminster, 7 Rich. II. cap. 16.—Statutes at Large, Vol. I. p. 369.

† 4th Hen. V. cap. 7.—Statutes at Large, Vol. I. p. 508.

‡ 31st Hen. VI. cap. 3.—Statutes at Large, Vol. I. p. 624.

Soon after the accession of Hen. VII, that cautious monarch adopted the most rigid measures, for preventing the adherents of Richard III, from disturbing his possession of the Crown, and particularly suspected the Scots; for an act passed, requiring them, within forty days after proclamation, to depart the realm of England, under pain of forfeiture of goods, unless they had been made denizens*.

During the reign of Henry VIII, it was made felony, to sell or exchange, or deliver horses, &c. to any Scotchman, out of, or within Scotland†.

At this juncture, 1541, when Henry had proposed an interview with James V, and had come to York, for that purpose, and when that Prince, influenced by his clergy, seconded by the persuasion of the Princess of Guise whom he had lately married, declined the interview, an act passed, allowing the use of cross-bows, which had been prohibited in England, to all the English, within twelve miles of the borders of Scotland ‡.

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* See 7th Hen. VII. cap. 67.—Statutes at Large, Vol. II. p. 81.

† 23 Hen. VIII. cap. 16.—Statutes at Large, Vol. II. p. 174; and this was confirmed by 1 Eliz. cap. 7. p. 523.

‡ 33 Hen. VIII. cap. 6.

And it would appear, in 1555, by the 2d and 3d of Philip and Mary, such had been the depredations, in the counties of Cumberland, Northumberland, Westmorland, and Durham, that the castles, and other places of defence, had been deserted and fallen into ruins*. Orders, therefore, were to be given, for re-establishing them; but this act does not appear to have been followed up, till 1581, as we then find an act passed for the same purpose, and for "remedying the defects in warlike furniture," for horse and foot, for the defence of the frontier, towards Scotland†.

The laws made in Scotland, in the same manner, appear to have taken a marked character, after the same æra of the long wars, which terminated in the independence of the kingdom being fully recognized in England. The Scottish laws seem, however, to be posterior, in date, to those of England, and enacted as counterparts to them. It was not till the year 1429, in the ninth Parliament of James I. of Scotland, that we find a law passed in the Scottish Parliament, declaring, that such of the King's subjects, as should go
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* Statutes at Large, Vol. II. p. 489.

† 23 Elizabeth, cap. 4.—Statutes at Large, Vol. II. p. 628.

into, and reside in England, should be deemed guilty of treason.*

In the thirteenth Parliament of the same King, anno 1436, it was declared, that no person, but the wardens, having power given them by the King, should be entitled to grant protection for lands or goods; and that whoever took protections from Englishmen, should be liable to the pains of treason†; and farther, all kinds of exchanges of goods, particularly of cloths, were prohibited in Scotland, or to be made by Scotchmen, out of Scotland, except leave be given, and the goods specified, or to make payment for the ransom of Englishmen.‡

In the following reign, that of James II, 1455, at the time, when the Parliament of England was establishing courts, for judging of offences on the Borders, three laws passed in Scotland calculated to counteract them. By the first, Scotchmen were prohibited from entering England, in time of war, without license of the King, or of

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* 9th Parliament of King James I. cap. 128.—Acts of Parliament of Scotland, Vol. I. p. 40.

† Ibid. cap. 141. p. 44.

‡ Scotch Acts of Parliament, Vol. I. p. 45.—13th Parliament, James I. cap. 145.

the wardens.* By the second, Englishmen were prohibited, from entering Scotland, without the like permission, and the offender might be made prisoner, by the first person who could seize him; and if any Scotchman should bring an Englishman into the country, without authority, so to do, he and his property should be arrested, till the King's pleasure be known; and farther, that no Scotchman should place himself under the protection of an Englishman, without leave of the King, or of the wardens, without being held as guilty of treason.† By the third, the English having, at this period, possession of Berwick and Roxborough, it was declared treason, to supply those places with provisions; and also, to make division of spoil, taken from the enemy, while the wardens or chieftains were absent, with their followers, upon an expedition for the defence of the Borders.‡

In the following year, 1456, on an alarm of an invasion from England, an act passed, requiring all men, from sixteen to sixty, to provide themselves with necessary armour, and to be in readiness,

* 12th Parliament, James II. cap. 50.

† Ibid. cap. 51.

‡ Ibid. cap. 52.—Scotch Acts of Parliament, Vol. I. p. 71.

ness, to march against the enemy, on the first information of the approach of his army; and farther, that such men, at the end of every thirty days, should appear before the sheriffs, in the different counties, with their arms, that he might ascertain, they were fit for service.*

At this juncture, (the reign of Henry VI, when the civil wars in England, between the Houses of York and Lancaster, were carried on with alternate success) the King of Scots found it necessary to be in a state of preparation, for the defence of his kingdom, without taking part in the broils of his neighbours.† An act, therefore, passed, for preventing commercial intercourse, and for provisioning and repairing the strong holds on the Borders, that the country might be in a state of defence, without calling out the nobility, and their followers, into actual service.

When Henry VI. and Edward IV. were alternately on the throne of England, the Scots were less apprehensive of an invasion by an army, than that some sudden inroad, on the Borders, might be made, and therefore resolved, not to admit the adherents, of either King, into their country.

In

* 13th Parliament, James II. cap. 56. p. 72.

† Hume, Vol. III. p. 200.

In 1466, therefore, an act passed, rendering it unlawful to admit an Englishman to an office, secular or religious, in Scotland *; and in the following year, an act, prohibiting the carrying of cattle into England †.

The apprehension of danger, however, appears to have been greater in 1481, as an act passed, for repairing and provisioning the fortifications, not only on the Borders, but along the sea shore ‡.

These Border Laws, do not appear to have received any additions, till the reign of Queen Mary, during whose infancy, the attempt had been made, after the battle of Pinkie, to connect the two kingdoms, by a marriage with Edward VI. The Regency of Scotland, were, at this time, struggling to maintain the Catholic religion, and the reformers were encouraged by the Protestants, in England. Three laws, therefore, passed in the Scotch Parliament, 5th May, anno 1551. By the first, all persons, having protection of England, were required to return under the Queen's obedience,

* 1. Parliament. James III. cap. 7: Scots Acts of Parliament, Vol. I. p. 90.

† Ibid. cap. 24, page 99.

‡ 11th Parliament, cap. 82. p. 124.

obedience, within a limited time, and to withdraw their assistance from the English, on pain of losing the means of recovering the value of such damages as they might have sustained, by their goods being made spoil of. By the second, any Scotchman, whose goods had been seized by another Scotchman, in connexion with an Englishman, was declared to have the right of recovering the value from the Scotchman. By the third, all Scotchmen protected by the English, and serving in their army, were declared to be liable, for any injury sustained by Scotchmen, not having or receiving an English protection*.

The Border Laws continued, without further change, during the remainder of this reign, and for a long period of that of James VI. Looking forward to the succession to the Crown of England, his measures were rather marked by obsequiousness to Elizabeth, than by any feeling of the ancient prejudices, between the two nations.

In 1587, however, James, in his eleventh Parliament, held in July, and after he had allowed the feelings of nature, for the cruel death of his mother, to be effaced by the hypocritical apologies
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* 5th Parliament of Mary, cap. 13, 14 and 15.—Scots Acts of Parliament, Vol. I. p. 277.

of Elizabeth, two acts passed, which strongly marked the opinions, entertained in the Scottish Parliament, of their English neighbours. By the one, the marriage of Scotchmen, borderers, with the daughters of Englishmen, borderers, was prohibited, as being dangerous to the peace of the King's subjects, unless the King's licence should first be obtained, under the great seal, and the penalty was death and confiscation of goods; and, by the other, cognizance was ordered to be taken, by the wardens, of such Englishmen, as occupied Scotch grounds, for pasturage or tillage, within the Borders, and that the persons transgressing, by granting such permission of pasturage, should be deemed liable to the King's displeasure *.

This detail, as it marks the deliberate measures, adopted by the legislatures of both nations, to keep the subjects of each a distinct people, more strongly, perhaps, than any other evidence, points out the difficulties which James had to overcome, in uniting the two kingdoms. So eager, however, was the King, on this measure, that before he had sufficiently observed the temper
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* 11th Parliament. James VI. cap. 105 and 106.—Scots Acts of Parliament, Vol. I. page 588.—And Appendix, No. I. p. i.

and character of his new, and as if he had almost forgotten the prejudices of his old subjects, in the first speech which he made to the English Parliament, he warmly recommended to it, an union with Scotland, as a measure arising out of the happy event of the two Crowns having devolved upon him, in right of inheritance, and as the only means which could render the two nations great and happy; it would do away all opposition of interest, and all hostilities, or the recollection of them, which, for so many ages, had divided the two countries.*

The proclamation, by which the Parliament had been summoned, had already raised considerable jealousies in the Commons, respecting the privilege, which they held to be vested in them, of judging of the elections of their own members.

The proclamation runs in the following terms: Wee notifie, by theis presentes, that all
 “retornes and certificates of knights, citizens,
 “and burgesſes, oughte, and are to be brought

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“ to

* Rapin's History, Vol. II. p. 464, has preserved this speech; and Hume, Vol. VI. p. 14, ſays, “Few productions
 “of the age ſurpaſs this performance, either in ſtile or mat-
 “ter. It wants, however, that majeſtic brevity and reſerve,
 “which becomes a King, in his addreſſes to the great coun-
 “cil of the nation.”

“ to the Chauncery, and there to be filed of re-
 “ cord ; and if any shall be founde to be made,
 “ contrarie to this proclamation, the same is to
 “ be rejected, as unlawful and insufficient, and
 “ the citie or borough to be fyned for the same ;
 “ and if it be founde, that they have committed
 “ any grosse, or wilful default and contempt, in
 “ their election, retorne, or certificate, that then
 “ their liberties, according to the lawe, are to be
 “ seized, into our handes, as forfeited ; and if any
 “ person take upon him the place of a knight,
 “ citizen, or burgesse, not being duely elected,
 “ returned, and sworne, according to the lawes
 “ and statutes, in that behalfe provided, and ac-
 “ cording to the purport, effect, and true meaning
 “ of this oure proclamation, then every person,
 “ soe offending, to be fyned and imprisoned, for
 “ the same.”*

Though, during the preceding reign, Elizabeth had exercised her prerogative, in an analogous manner, yet, even amid the obsequiousness of the House to that Sovereign, they had decided,
 “ that during the sitting of Parliament, there do
 “ not, at any time, any writ go out, for chusing
 “ or returning any member, without the warrant
 “ of

* Rapin, Vol. II. p. 163.

“ of the House.”* But still the absolute authority of the Queen continued to be exerted; for in a subsequent session, she asserted, that the power belonged to the Chancellor: and yet the House voted, “ that it was a most perilous precedent, “ where two knights of a county were duly elected, “ if any new writ should issue out, for a second “ election, without order of the House itself; “ that the discussing and adjudging of this, and “ such like differences, belonged only to the “ House; and that there should be no message “ sent to the Lord Chancellor, not so much as to “ enquire what he had done in the matter, because it was conceived to be a matter, derogatory to the power and privilege of the “ House.”†

Under such circumstances, a serious question occurred, respecting the election for the county of Bucks, when the House declared, Sir Francis Goodwin duly elected, though he had come under the description of those, who were to be objected to by the King’s proclamation.

The Lords sent a message to the Commons desiring a conference, on the subject of Goodwin’s

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election.

* Hume, Vol. VI. p. 16.

† Ibid. p. 17.

election. This conference the Commons refused ; holding themselves not obliged to give an account of their proceedings to the Lords. The reply of the Upper House was, that the King had ordered them to confer with the Commons, on the subject. The Commons, by their Speaker, represented to the King, that the House considered this order to be an innovation on the constitution ; the King, however, commanded them to confer with the Judges. To this conference they also objected ; Goodwin relinquished his seat, to put an end to the dispute, and the principle in the constitution remained undecided*.

These circumstances are of importance, because they retarded the consideration of James's favourite project of an union.

The jealousies of the Commons were strengthened by those of the nation, from the honors, which, it was said, James had lavished on his Scottish subjects ; and an opinion prevailed, that the union was not so much desired, for the benefit of the English, as of the Scottish nation.

Events thus explain the reasons (before the Commissioners were appointed) of several conferences, which were held by the Lords and Commons, in order to settle the general principles,
upon

* Hume, Vol. VI. p. 18.

upon which the Treaty of Union was to be conducted. A conference was required by the Lord Chancellor, and forty Peers, and one hundred Commoners were appointed.

The Chancellor opened the business, by stating to the Commons, that in requiring their attendance, on a business of such importance, it was, by no means, the intention of the Peers, to trench on their privileges ; but that the subject required the joint wisdom of both Houses, and indeed, that of the realm, a circumstance which was fully declared, in the act of recognition :—That already there was an union between the two kingdoms, from being connected, by nature, as one continent ; from being in allegiance to the same Prince ; and from the inhabitants of both countries professing the same religion :—That the proposition of the King did not embrace any novelty, but only recommended a more perfect connexion, between the two realms :—That he wished to adopt the name of King of Great Britain, but would leave to the Commissioners, to concert measures for an union of laws, customs, rights, and privileges, who would report on them to Parliament, by whom each article would be debated and determined ; but as the matter was of so much importance, all other objects should give way to it.

A report

A report of this conference was made by Sir Edward Hoby, to the Lower House, stating:—That the *present* object for consideration, was whether the ancient name of England should be relinquished, and comprehended in the more general name of Great Britain ; and that the *future* object was, to concert the measures, by which the two realms could be united.

Sir Francis Bacon, took a view of the Lord Chancellor's opinions, as they regarded the name and the appointment of Commissioners, and argued:—That in the name of King of Great Britain, there was no usurpation of rank, over foreign princes, though examples were not wanting ; such were the Emperor of Germany, and the Great King of Persia, sovereigns, who had assumed names, without offending neighbouring nations : —That the honour, if antiquity was resorted to, of the name of Britain, (a term embracing the whole island) was evidently in favour of the adoption of it ; and that in sound policy, it was not less desirable, because, the union in name, might lead to union of affections, among the inhabitants. It had been objected, that relinquishing the name of England, would lead to other concessions ; but it was for the Commissioners to deliberate and decide, on the means, for retaining substantial privileges.

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The debate was renewed on the following day, by Mr. Fuller, who was against any change, because he considered the boundaries, between the two nations, as necessary, to prevent the natives of Scotland, who were poor, from an opportunity of coming into England, to carry off its riches.

Sir Francis Bacon called the attention of the House, to a conference with the Lords, where, in general, subjects might be discussed, reserving determination to the House itself.

Sir Edwin Sandes doubted, if an alteration were necessary, and still more, if the present were the proper time to introduce it; and therefore thought, that Parliament could not make an alteration, in the name, without having powers, for this purpose, from the country at large.

The Speaker, finding the debates running to a greater length, informed the House :—That, as a conference was earnestly desired by the Lords, he would state the great points to be discussed.

The first question was,—Whether Commissioners should be appointed: On this the House resolved, in the affirmative. The next question was,—Whether all discussion, respecting the name, should not be postponed, till the union actually took place: And the House resolved, in the negative.

gative. The last question was,—Whether the Commissioners should be authorized to propose articles, *only*, and to debate on them, with the Scottish Commissioners, or to decide finally: The House resolved, that the Commissioners should propose *articles only*.—

Before the conference with the Lords could be begun, a message came from the King, requiring the attendance of the Commons. He informed them, that their long and idle debates, had given him the greatest displeasure; for he denied their right to decide on his deliberations: and proposed, that the union, already made in substance, should be recognized by an act:—That a name should be given to his kingdom, corresponding with this union; and that Commissioners should be appointed, to deliberate on particular articles:—That if there were any dishonour in the name proposed, that dishonour belonged to him, not to them; he was Earl of Cornwall, as well as King of England:—That the honour which belonged to them, had been already granted, by the preference, in his first having proposed the union to the English Parliament:—That being King of England and of Scotland, the sovereignty of the whole island was vested in him, and, therefore his assuming the name, was merely publishing
what

what he already possessed :—That though names, in themselves, were of little consequence, yet, in this case, they might lead to unity of affections in the two countries :—That he knew he could not, of himself, alter the laws of either country, nor did he wish to do so; but that he desired the Commissioners might treat of such alterations, as would be for the common good of both realms*.

After a considerable delay, Parliament appointed Commissioners, to examine the King's proposal of an union of the two kingdoms. These Commissioners, it would appear, from the instructions given them, were to treat together; and “consult of all such things, whatsoever, as should be thought fit and necessary, to be propounded by us, and enacted by them :—all tending to the weall publique of both Crownes†.”

The substance of the act, appointing them, is; that the union was to proceed, upon the basis of the realms of England and Scotland having become subject, in allegiance and loyal subjection, to the same sovereign, to the end, that upon mature deliberation, a further union might ensue,

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* Appendix, No. II. p. xv.

† Ibid. No. III. p. xxiv.

to confirm his Majesty's gracious expressions to the subjects of England, but which, in no ways, should alter, or innovate, the fundamental laws, privileges, and customs of the kingdom, by which their lands and privileges, of every kind, are preserved ; except of such particular indifferent statutes and customs, the abolishing of which may serve to extinguish all future questions, or unhappy accidents, which might arise, between the subjects of these realms.*

The Commissioners were fourteen Lords and thirty Commoners, and were directed to meet ; and any eight, or more, of the Lords, with any twenty, or more, of the Commons, were to form a *quorum*, with full powers and authority to consult, with such Commissioners, as might be nominated and authorised by the Parliament of Scotland, and to treat of such an union, particularly of all such subjects, as, upon mature deliberation of the said Commissioners, might become the basis of an union ; and they were directed to reduce their proceedings, into writing, by what was termed, an instrument tripartite, to the end, that one copy might be laid before the King, another before the Parliament of England, and a third before

* Statutes at Large, Vol. III. p. 2.

fore the Parliament of Scotland ; that such instruments were to be subscribed and sealed by them, and by the Scottish Commissioners, for verification, and to become the foundation of such farther proceedings, as the Parliaments of both countries might deem expedient.*

When this act was presented to the King, the Speaker addressed his Majesty, with strong assurances of the loyalty of Parliament, and of its readiness to adopt such measures, as might forward the union, but, at the same time, preserve to the English nation, their rights, privileges, and laws.†

In the two Houses of Parliament, and at the conferences held by the Commissioners, soon after their appointment, the general grounds, upon which the union ought to proceed, and the particular regulations for trade, as it regarded England, were the subjects which first engaged attention. Though all the documents are marked by those prolix scholastic divisions of topics and arguments, which characterised the learning of the times ; they will furnish correct views of the prevailing opinions.

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Previously

* Appendix, No. IV. p. xxvi.

† Ibid. No. V. p. xxxi.

Previously to the conference, held by the Commissioners, for discussing the grounds for the union, the probable objections to the measures were arranged in the following manner:

1. That, in general reasonings on the subject, it might be objected;—that no public evils existed, which could establish the necessity of such an union, and that the state of the nation would not be improved by it; that, besides, no precedents could be adduced, except those, where conquest had led to national coalitions, to vindicate the sinking the name of two nations, into one, *not* descriptive of either.

2. That the adopting of a new name, for either, or for both nations, would, inevitably, lead to new laws which could not be clearly understood, or applied to the constitution of Parliament; to the seals which ratified the acts of government; to the officers, to whom the administration had been committed; to the liberties, customs, and privileges of the subjects; to the sittings of the courts of justice, which, by usage, are held at the residence of the King; to the oaths, either of allegiance, as taken at the King's coronation, or renewed, from time to time, by the subjects; circumstances, which are essential to the preservation of the English constitution; and that, at any
rate,

rate, such a measure, would expose business to uncertainty and confusion, in the principles on which it ought to be transacted; evils of the most serious kind, in the event of the King's leaving no issue, because then, a new kingdom would be, like a purchase, which might be claimed by the nearest male heir of the King, though not like his Majesty, descended from the Kings of England.

3. That this new description of the kingdom, would immediately affect the English leagues, treaties, and privileges of foreign trade, for which the nation had been contracting, for ages, and from which, they had derived the most important advantages. Opportunities, thus, would be afforded to foreign powers, who had been parties in these transactions, to deny the existence of such treaties, or, at least, to insist on other terms, when renewing and confirming them with Great Britain; so that his Majesty, instead of holding his present rank among sovereigns, according to the acknowledged antiquity of his kingdom of England, would be placed (however great his sovereignty) as the most recently established monarch in Europe, and thus the dignity of England, among foreigners, be obscured, or lost.

4. That the honor of England would be affected,

affected, by adopting any name, even that of *Britain* ; because, as in families, males are preferred to females, to preserve the lustre of ancestry ; because the name of Britain, would efface the ancient and known characters of England and Scotland ; because England would lose its precedency over Scotland ; and, above all, because such a change would hurt the national feelings of a people, who have acted, in every age, on the principle of defending the honor of England *

However general and vague these objections may appear, when examined in better times, we have the fullest evidence of the warmth and ingenuity with which they were supported, at a conference held on the subjects of them, both by Parliament, and by the English Commissioners.

Sir Francis Drake, it would appear, had the duty assigned him, of reporting to the Commons, and to the Commissioners, the propositions for an union, as recommended in the King's speech. He stated, that the general wishes of the King, in his speech, had been, that the union of the two kingdoms should be declared ;—that the name of Great Britain should, for the present, be admitted :—and, that Commissioners, to treat of the terms, should proceed ;—and explained, that the King,

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* Appendix, No. VI. p. xxxv.

so far from thinking of extinguishing the name of his kingdom of England, intended only to fix on one, that should embrace the whole island; that there existed not the most distant intention to alter the fundamental laws of the realm; and, that no encroachment, by the Scots on the English nation, had either been thought of, or would be admitted by his Majesty.

With these previous explanations, he brought forward, in writing, the King's speech and project: and five successive days were employed, in examining both.

The general opinion appears to have run against the union; when Sir Francis Bacon examined and combated the objections, by classing them under the heads of light objections, which served only to postpone the discussions; subtile objections, which served only to entangle the judgment; and high or important objections, which could only be removed by the Commissioners, who would preserve the laws of England, and its privileges, and accommodate them to the end of obtaining a solid union.

Matters were in this situation, when a Committee of the Lords took the Judges' opinion, and communicated it to the Lower House. The Committees of both Houses met, and the Lord Chancellor

cellor again repeated the intentions of his Majesty, in meaning nearly the same, with that already detailed; and illustrated farther, the King's intention to be, that as the nations were already united, in obedience to the same sovereign, and in religion and language, to assume the name of Britain, for the whole island; which would not derogate from the laws and customs of England; and which was a point, from which the King would not recede.

This explanation had nearly produced a dispute between the two Houses; it being argued by the Commons, that if the King's decision, respecting the name of Britain, was ultimate, then the subject had taken a new character: but this again was over-ruled, by the opinion of Lord Cecill, who held the King's words only to be conditional; and that his Majesty was open to conviction, if, in the course of their proceedings, it should appear to him, that there was good reason for laying aside the name.

Sir Francis Bacon, who supported the union, resorted to the method of reasoning, in the schools, of pretending to argue against the measure, by placing his topics, on that side of the question, and thus to shew their fallacy.

Sir Edward Sands, in reply, quoted from
history,

history, the instances of union, which had taken place in different nations; and concluded, that though the name of England might be retained, as essential to its privileges, that did not shew the adoption of the name of Britain took them away.

Lord Northampton argued on the same ground of instances from history, and particularly dwelt on the terms of union, proposed by Edward I. in the treaty he made with the Scottish Regency, at the time, when the marriage between his son and the Maid of Norway had nearly brought the two kingdoms, under allegiance to the same sovereign, inferring that it was not then intended to relinquish the names of England and of Scotland.

Sir Edward Sands, in reply, insisted, that this was no precedent, because that case had never come under the consideration of Parliament; and therefore, that his former argument remained unanswered, that the adoption of the new name did not derogate from the old.*

These disputes, proceeding upon the principles of preserving the national honour of England, and the laws which were deemed essential to the maintenance of the privileges of the sub-

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* Appendix, No. VII. p. xl.

ject, were less matters of attention to the body of the people, than the injuries, which it was apprehended would result, from admitting the Scots to participate in all the benefits arising from the English manufactures and commerce, now extended, either by their trade in general with foreign nations, or by particular companies which had vested sums, under exclusive privileges, for opening a trade with distant nations.

It was admitted, that, in internal traffic only, England, from the fertility of its soil and the value of its staple produce, would derive a benefit, from being admitted to carry goods, duty free, into Scotland, where they must be purchased by a people, inhabiting a barren country, who have no commodities to give in return for them, and who must pay a positive price for what they bought; but, it was argued, that if the Scots should be admitted to all the benefits of the English commerce, then the realm of England would sustain much injury and damage; if, for instance, the English woollen cloth shall be imported into Scotland, free of duty, the loss to his Majesty would be greater, than all the customs paid by Scotland could refund: that if wool, in its undressed state, could be imported into Scotland, the English manufacturer
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would lose all the profits arising from his labour ; and that, if the cloth manufactured in England, should be carried into Scotland, by the Scots, the navigation of England would be diminished, and its marine weakened ;—That the privileged companies to Muscovy, &c. would be exposed to Scotch interlopers, and thus, two parts out of three of the cloths, exported out of the kingdom under exclusive privileges, would pass into the hands of the Scots ;—That if leather, candles, wool, felts, (branches of the English trade secured by so many wholesome laws) should be allowed to pass into Scotland, duty free, and might thence be exported, then the prices in England would rise, to the great distress of the inhabitants ;—That the wholesome laws, which prevented the exportation of warlike stores, would be rendered void, by the frauds which the importation of them into Scotland would render practicable ; and that above all, corn, sea-coals, &c. if allowed to be carried into a country, duty free, which in itself produced not quantities equal to its own consumption, the prices would so rise in England, as to bring positive distress upon the inhabitants ;—

That, on the whole, it would be unwise to give the Scots, inhabiting a poor country, the benefit of the English exports ; and, therefore,

that the trade ought to be placed under the following regulations :—

That it might be lawful to carry into Scotland such quantity of cloth and kerfies, as might be equal to the consumpt of that kingdom, duty free :—

That it might be lawful to carry baizes and cottons of English manufacture into Scotland, duty free, provided the exporters grant security, for their being landed and used in that country ;— And,—That it might be lawful for the Scots to ship and transport, from the ports of England, upon paying English duties and customs ; provided they be not sent into countries, enjoying privileges by treaty with England, or into countries, for which England had granted exclusive privileges of trade to certain commercial companies *.

James, who was fully informed, respecting all the points debated in either House, or at the conferences held by the Commissioners, addressed a letter to them, on the 2d of May, 1604 ; in which, with perhaps more feeling than prudence, he represented to them, the ungenerous suspicions which had been entertained of his intentions, the
cavils

* Appendix, No. VIII. p. xlv.

cavils on frivolous subjects, and the risk which the two kingdoms run, of losing that opportunity for an union, obviously tending to the common interest of both; and warned them, of the evil consequences of their conduct, should they again plunge the nations into discord and war, in opposition to his own “ eternal regard for all his subjects *.”

This address, however, does not appear to have produced the effect intended by the King; for, to remove one subject of their debate, by a writing, in his own hand, he directed his Minister to take the opinion of the Judges, whether he might not assume the title of *King of Great Britain*, without the consequences which had been alledged,—that of directly abrogating the laws and customs of both kingdoms †: and, it is probable, the answer he received was,—That no such consequence could arise from the assumption of the name; because a proclamation was issued, by which he assumed the title of *King of Great Britain*, ordered the crosses of St. George and St. Andrew, to be quartered in his flags, and the Scottish coins to be made current in England.

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* Appendix, No. IX. p. l.

† Ibid. No. X. p. liii.

The King, by this expedient, put an end for a time to the dispute about the name; and trusted, that this circumstance would induce the Parliament to enter on the great subject of the union of the kingdoms, with more temper and wisdom. This policy, however, failed, as the minds of the leading members had been irritated, by the honors which he had bestowed on Scotchmen, and they brought this circumstance, as a proof of his intention to sacrifice the interests of his new, to those of his ancient kingdom *. Finding it therefore to be impracticable to bring Parliament to accede to his favourite plan, he prorogued it, on the 7th of July, with a speech, which strongly marks the ill terms, upon which he and his Parliament were placed.

The King stated: that though both Houses made up component parts of Parliament, yet he must consider their conduct as different, in the separate Houses:—that to the Higher House he had his warmest acknowledgments to make, for their dutiful and wise proceedings, but that to the Lower House, from his love of truth, he was compelled, rather to give reproof than thanks: that it was impossible for him to give thanks, where

* Rapin, Vol. II. p. 168.

where thanks were not due:—that he could not hold them “to be the true shadow of the Commons of the land,” nor would he blame his people, for the faults of their representatives:—that though many of their number were wise and great men, many of them “had idle heads, and were busy “informers, who had cried down good and moderate men:”—that though he did not think any of them intended to overthrow the government, he saw they had entertained an imprudent curiosity to try experiments, for the purpose of discovering his notions of his prerogative, and displaying their own talents and eloquence: that from not distinguishing, between their duty to their King and to their country, and from a desire of innovating on the established religion, notwithstanding what they had heard of the moderation with which he had governed his ancient kingdom, they had opposed the union of the two kingdoms, and the adoption of the common name of Britain, for both:—that he could have no object, but the common weal, and if no measures should be adopted by them, the natural relation, which the nations bear, the one to the other, would ultimately terminate in an union; that it was impossible he could have any predilection for one country more than for the other, without violating

ing his duty to God and to nature:—that, however, he would postpone the application of the name to the two kingdoms, but had avowed himself King of both, and both were comprehended in the island of Britain, as much as Middlesex or any other county, in England, was in that kingdom:—that he wished only to repress those sects of religion, which taught opinions contrary to the duty which the subject owed to the magistrate; and to check men, who, from a desire of novelty, wished to introduce what was against all good order:—that in regard to those who, as purveyors, had wronged the public, there existed good laws by which they might be punished; and that no apology of good intentions could palliate disloyalty:—that from birth as well as from his royal declaration, he was intitled to protect the government; at the same time, that he assured them, that no King could be more thankful to subjects, than he had been, for the instances of loyalty and obedience, which he had experienced*.

Having thus reviewed the events, which marked the first proposals for an union in England, and traced the political circumstances which
influenced

* Appendix, No. XI. p. liv.

influenced Parliament, and the commercial part of the kingdom to oppose it; it will next be proper, to advert to the situation of Scotland, at the same juncture, and to observe the compliances of the Parliament of that kingdom with the wishes of the King.

The Scottish nobles, as has been remarked, had, for a series of ages, obstructed the efforts made by their Kings to reduce them to order; but when James acquired the Crown of England, the encrease of power of which he became possessed, convinced them, that further opposition would be fruitless and only expose them, as individuals, to the King's displeasure; and therefore, though each rivalled the other, in apparent compliance with the wishes of the sovereign, the factions were secretly opposing them.

The reformed clergy in Scotland, who, during James's youth and residence in that country, had controuled him in almost every measure of his administration, which in any way trespassed upon their authority, began to be apprehensive, that the weight of the Crown of England would be thrown into a scale, and might weigh down their consequence; and as their opinions assimilated more with the puritanical notions, which James had condemned, as innovations in England, they became apprehensive, that the recollection of

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their former incroachments on prerogative, would be held as approaching to puritanical disaffection. The Presbyterians, therefore, in Scotland, though they did not openly oppose the King's favorite measure of an union, yet, in all their resolutions, for preserving their establishment, discovered the greatest jealousy of the measures of the court, and were continually on the watch, to inflame the minds of the people against any articles, which might have a tendency to abridge their influence.

Though the commerce of the Scots (the produce being of small value compared with that of England) was limited, they had made treaties, particularly with the provinces of Zealand and Holland, and with France, from the political relation which had subsisted between the two countries, which, with the same narrow spirit, as has been described to be prevalent in England, they were unwilling to communicate to their neighbours. When, therefore, they found the most limited privileges were proposed to be given to them, in the English trade, they were disposed to hesitate respecting the union, or at least to struggle, in the true commercial spirit, for acquiring as many, and yielding as few advantages as possible.

The recollection of the events which had marked the efforts of a lesser, combating for its independence

dependence with a greater nation, connected with the removal of their King and seat of government to the country of their rival, operated upon all their prejudices in favour of the independent government of their country, and led them to look forward to its humiliation, in becoming a nominal kingdom only, without reflecting on the benefits which might arise, and which actually have arisen to them, from the introduction of the English arts and manufactures, from the extension of commerce, from the amelioration of property, and from the solid public advantage, of becoming an important part of one great government, which was to have a decided weight in the scale of Europe.

Such appears to have been the temper and prejudices of the people, whom James had to address, and which, but for the causes referred to, would have been worked on, by the objections raised in England against the union; objections, which struck at the pride, and at the same time went to narrow even the prospect of advantage, which otherwise might have influenced the Scottish nation.

James, knowing these facts, did not look for any open opposition to his project among his ancient subjects; and therefore, on the 8th of February, 1604, he issued a commission, dated at Hampton

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Court, appointing John Earl of Montrose Chancellor of Scotland, to summon a Parliament, to meet at Edinburgh, or at such place as the Privy Council might deem expedient, for the purpose of nominating Commissioners, on the part of Scotland, to treat with such Commissioners as might be nominated by the Parliament of England, to hear and decide on such terms of union, as besides the allegiance, which both nations owed to the King, might bring them to an union of government; specifying, however, the maintenance to the Scottish nation of their ancient laws and privileges, in as far as the same might be compatible with the consolidation of the two kingdoms into one monarchy; and requiring Lord Fyvie, President of the College of Justice, and Vice Chancellor, to see that this commission be enforced.

The Earl of Montrose was directed to appoint (conformably to the constitution of the Scottish Parliament) a Committee of Lords of Articles, to prepare such measures, for the consideration of Parliament, as might facilitate its assent to such articles for an union, as should appear to be beneficial to the kingdom; and to recommend further to this Committee and to the Scottish Parliament, the importance of the measure, as it arose out of the
union

union of the two Crowns, and was calculated to terminate for ever those animosities and hostilities, which had reciprocally desolated the two kingdoms *. James, on the first of May, addressed a letter to the Scottish Parliament, in which all the topics in the Commission, are recapitulated, and recommended them to the attention of his loyal and ancient subjects †.

In consequence of this commission, the Earl of Montrose opened the Scottish Parliament, at Perth. As it was already instructed, in the nature of the commission which had been granted by the Parliament of England to the Commissioners for that country, it appears to have adopted, on the 11th of July, the same precautions, for in the preamble to the act appointing the Commissioners, it specifies, in precise terms, that they were to treat of such articles, for the union of the two kingdoms, as might leave entire to Scotland, its laws, customs, and privileges, but were, in all other respects, to devise terms, for effecting an union of the two kingdoms, and to treat of them with the Commissioners on the part of England, keeping a record of

* Appendix, No. XII. p. 1x.

† Records of the Parliament of Scotland, Vol. 10th fol. 136.

of all the proceedings, that the same might be laid before the Parliament, at its next meeting, one copy whereof to be presented to the King, another to be laid before the Parliament of Scotland, and a third before the Parliament of England. Twenty of the Commissioners were declared to be a *quorum*, competent to act in this great national business *.

The Scottish nation were equally jealous with the English, on the subject of sinking the name of their kingdom into that of Britain, comprehending it and England : but we do not find in the records of the Scottish Parliament any traces of the dispute upon the subject. They appear, however, in the periodical publications of the times, and are marked by the same foolish pride, as those in England, respecting the rank of the nation among the European sovereignties, the effect which the adoption of the new name might have, in altering or abrogating the laws and customs, by which honours, property, offices and privileges were secured ; and the same narrow views, respecting the treaties subsisting, between Scotland and the Dutch, and Scotland and France, which
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* Appendix, No. XIII. p. lxx. Scotch Acts of Parliament, Vol. I. p. lxx.

had procured to them personal privileges and commercial exemptions in those countries*.

James, offended with these floating opinions, during the dispute, both in Parliament and at the conferences of the Commissioners in England, issued a proclamation, dated 15th November, 1604, requiring the same to be entered in the secret books of his Council in Scotland, and solemnly published, conformably to the usages of that country, by which he assumed the style and title of *King of Great Britain, &c.* expressly specifying, that this title only was to be used in all proclamations, treaties, &c. in time coming, and discharging the names of Scotland and England from being used, except in legal proceedings, instruments, and assurances, &c.†

The meeting of the Commissioners of the two kingdoms, at Westminster, had attracted, not less the attention of the King than of the public in both countries.

In the prefatory account of the proceedings of the Commissioners, it appears to have been settled,

* *Treatise. De Unione Britannia, seu de Regnorum Angliæ et Scotia, omniumque adjacentium Insularum Britannicarum, in unam Monarchiam, consolidatione, &c. Edinburgh, 1604.*—M.S.S. History of the Union.

† Appendix, No. XIV. p. lxx.

settled that a record should be kept of such articles, as might be agreed on ; and that it should be subscribed by all the Commissioners.

The first subject, which occupied their attention, was the expediency of placing the articles, upon which they should agree, in the form of *propositions only*, to be laid before the Parliaments of both kingdoms.

It was next agreed, that a preliminary step to the union of the two kingdoms, ought to be, a Proposition, for repealing all those laws, by which England had declared Scotland to be its enemy, and Scotland had declared England to be its enemy. Lists of these laws were presented ; and that this article might go to its full extent, not only these laws, but all others, which might be hostile in their nature, were to be annulled* : And as a necessary consequence of the preceding article, that it should be recommended to the Parliaments of both countries, to abrogate what were termed the customs of the Marches, or Borders, by a positive act of each Legislature, which should declare, that the subjects of England and the subjects of Scotland, in these counties, were to be governed by the statutes and laws of the particular

* For List of these Laws, see Appendix, No. I.

cular kingdom, in which they might be resident, at the time ; and that the name of Marches, or Borders, should be extinguished.

It was next settled that provision should be made, for redress of such wrongs or crimes as might have been committed against the border laws, or customs of either country, by the king appointing Commissioners to hear and to decide on them ; and that the Parliaments of each country should devise regulations, to enable the individuals of either kingdom, to recover such debts, as might be due to them, by the decision of the former judges of the laws of the Marches and Borders ; and also, for preventing, in future, all disorders, between the King's subjects, inhabiting those limits, and for settling all pleas or suits, pending, previously to the demise of the late Queen, and since the late treaties, between the two countries, respecting the Borders, from 1506 to 1597.

It was also agreed, for more effectually effacing the memory of past animosities and hostilities, that the natives of both countries should be under the same prohibitions, in the importation of foreign merchandize, into either country ; that is, that no Englishman should bring into Scotland,

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and no Scotchman should bring into England, goods prohibited by the laws of these respective kingdoms, but that liberty be given, reciprocally, to the inhabitants of each country, to carry the produce into that of the other. In explanation, it was stated, that the privileges, which the Scots had enjoyed in France, might be deemed prejudicial to the English trade, particularly in the trade to Bourdeaux and to Normandy, and other ports of France; and therefore, that Scotch vessels should be free to transport wine from Bourdeaux to England, upon paying the same duties and customs, as the English do, and, reciprocally, that the English should have the same permission, to import the same commodities into Scotland, upon paying the duties and customs, levied there. In regard of the privileges, which the Scots had enjoyed, in buying and selling in Normandy, it was proposed, that four persons should be sent into France, two of each nation, to judge of the advantages which the merchants of either the one or the other country possessed in that province, or in any other part of France, Bourdeaux excepted; and that the importers, subjects of either country, should, upon their arrival in the port or ports of England, have the duties of customs laid on them, in the proportion of the advantages

advantages they had, in the purchase of goods, under the Scottish privilege in France; and, in like manner, the duties to be advanced in the ports of Scotland, were to be proportioned, so as to equalize the profits of the merchants of both countries.

It was recommended to the two Parliaments, that all goods, prohibited to be exported from England, or from Scotland, to any foreign nation, should be liable to the penalties and forfeitures, payable in these respective countries; but that such goods and merchandize, the exportation of which had been declared to be lawful to Englishmen, to any foreign port, might likewise be exported by Scotchmen, to that port, on their giving bond and cocket, for the payment of such duties and customs, as Englishmen do pay; and the like privilege to be extended to Englishmen, exporting from the ports in Scotland.

It was agreed, to be proposed to the two Parliaments, that such produce, of either country, as may be for the use and consumpt of the other, may be sent from and to each kingdom, free of the duty of customs, in the same manner as these goods are sent from one port in England to another, as from one port of Scotland to another; except such articles, as, by law, are reserved for

the exclusive use of the English, or the exclusive use of the Scotch nations; that is to say, wool, sheep felts, cattle, leather, hides, and linen yarn, which were not to be exported from the one country into the other; but reserving to the Scots, the exclusive privilege of fishing in their locks, friths, and bays, and within fourteen miles of the main land, from which all English, as well as foreigners, have, at all times, been excluded; but these restrictions not to be understood, as marks of division between the two countries, but only as matters of policy and conveniency for each.

It was agreed to be recommended to the two Parliaments, that all foreign merchandize, which has once paid the duty, in either country, was not to be liable to pay duty a second time, when re-exported to ports in England, or in Scotland, upon the owner or master giving bond, that these goods are not to be exported to any foreign country.

It was agreed, that Englishmen, or Scotchmen, might become members of trading companies, in either country, the native English, or native Scots, submitting to the conditions established in the respective countries: and it was further explained, respecting the preceding article, that every merchant, who has paid the duties in

in England, or in Scotland, may enter goods, for exportation to the ports of either kingdom; but if he shall actually be found to have carried them beyond the seas, then he shall be liable to the forfeiture of the ship and cargo; and the Custom-House officers, who shall have been assisting in such fraud, were to be subjected to the loss of office and goods, and imprisoned during his Majesty's pleasure; two parts of the fine (if the customs shall not be farmed) for the benefit of his Majesty, and a third to the informer; and (if the customs be farmed) one-third to the King, one-third to the farmer, and one-third to the informer. The trial, for such offence, to be summary in both countries, and in the Exchequer, or before the justice of peace and jury of the county; and, as a further security, a bond and obligation, equal in value to the goods, was to be required from the owner (if he be present) and from the master of the ship, and from the factor, landing them, from which he or they were to be relieved, upon certificate from the officer of the customs, at the port where the goods are landed, or, if no such officer be at the port, by the magistrate of the sea-port town; of which bond, a form was given. The bond, however, was not to be recoverable, for one year, that time may be given to receive the

the certificate, should the first copy miscarry, between the port where it was granted and the port for which the bond was given. In the event of the certificate arriving, the Custom-House officer was to mark upon the bond, the receipt of such certificate, specifying its date and contents; but if, in two years, no such certificate appeared, then the bond was to be forfeited, and any certificate offered, after that time, to be void: the sum to be recoverable in the Exchequer of the kingdom, where the bond was given, and transmitted from the Exchequer of the one realm, to that of the other.

It was agreed, to be proposed to the two Parliaments, that Englishmen, or Scotchmen, may ship articles, in foreign bottoms, upon paying the English or Scotch duties and customs, at the ports, where the goods shall be shipped.

It was particularly to be recommended to the two Parliaments, to enact laws, and establish regulations, for enlarging and improving the shipping of both kingdoms, whether those intended for trade, or for public defence, so as to bring the burden of such ships to be more on an equality.

It was recommended also, that an act may be made, containing a declaration, that the subjects

jects of both realms, born since the demise of Queen Elizabeth, or that shall hereafter be born, should, by the common laws of both realms, be enabled "to obtain, by inheritance, and to "possess lands, goods, chattels, honors, dignities, "offices, liberties, privileges, and benefits, ecclesiastical or civil, in Parliament, as fully and "amply, as the subjects of the realm, respectively, might have done, or may do, in any sort, "within the kingdom where they were born." But as his Majesty had signified his gracious intention, that the subjects of the one kingdom should not be preferred to offices in the other, till time and mutual intercourse shall have completed the union, it is to be submitted to the Parliaments of the two kingdoms, to enact, that the subjects of both kingdoms, born before the death of the late Queen, may be enabled to acquire, by purchase or inheritance, or otherways, and to dispose of, all lands, goods, offices, honors, dignities, &c. in either kingdom, in the same manner, as the natural born subjects of each do, notwithstanding any former laws, statutes, or constitution, to the contrary; except the offices of the Crown, or Judicature, or any voice or place in Parliament; these to remain, till an union of a more complete kind shall become the desire of both realms; but
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such act, not to infringe upon the King's prerogative; on the contrary, to contain a reservation of it, and the exercise of it as freely and fully as any of his predecessors, the Kings of England or of Scotland have enjoyed.

It was to be proposed to the two Parliaments, that, for the better administration of justice, all persons committing crimes, and taking refuge in either country, shall be sent to the place where the crime was committed, there to be judged by the laws of that realm where the place is situated, particularly in cases of murder, counterfeiting the coin of the realm, and forgery of instruments, deeds, or writings.

Such were the articles devised, agreed on, and ratified by the Commissioners for both kingdoms, and subscribed by them, on the 6th of December, 1604*.

The caution and moderation of the Commissioners in framing these articles, and their strenuous endeavours to meet the high notions which the King entertained of his prerogative, as well as to remove the jealousies of the two nations, would, at first view, have promised success to the measure; but, unfortunately, several incidents occurred,

* Appendix, No. XV. p. lxxiv.

red, to withdraw the attention of Parliament from the subject, and to give time to the opponents of the union to work up the minds of the people against it.

The King appears to have been fully satisfied with the conduct of the Commissioners, and to have taken an early opportunity to convey his thanks to them, by Lord Cranbourne, expressive of his hope, that no future jealousies, respecting offices or honors conferred on Scotchmen, would be felt. His intentions being, to give a preference to Englishmen, at the same time, to hold out rewards to Scotchmen, for loyal and public services*.

The anxiety of the King to conciliate Parliament, and induce them to pass an act, confirming the articles of union, recommended to it by the Commissioners, will appear from his speech, in which he agreed to postpone the name of Great Britain, till an act should pass recognizing it; but at the same time, he adhered to his resolution of taking the titles, conformably to his prerogative and to the opinion of the Judges †.

The Gunpowder Plot occurred at this crisis, and engrossed a considerable share of attention, in the next session of Parliament. The moderation

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* Appendix, No. XVI. p. xcv.

† Ibid. No. XVII. p. xcvi.

of James, with respect to the Catholics, which, in better times, would have been deemed liberality, was in this age construed into a secret partiality for that sect; notwithstanding his banishing the Jesuits, and other acts of his administration, calculated to induce an opposite opinion of his principles.

The question now began to be agitated, whether Scotchmen, born in allegiance to the King, as King of Scotland, were to be deemed *aliens*, with respect to the laws and constitution of England? It would appear, from the preceding articles, proposed by the Commissioners, that this subject had been decided on, by the distinctions which they made founded upon the King's promise, respecting the subjects of either kingdom holding offices in the other, till a more perfect union could be effected; and by the proposal, respecting the succession to property, by inheritance or purchase. The Scottish subjects, of this description, were termed *ante-nati*, in opposition to those who were born after the King's accession, who had the appellation of *post-nati*. The disputes, respecting these two classes of subjects, were in themselves calculated to initiate the Scots, and to create alarm in the English, who had become apprehensive of the accessions of property, which

the natives of their ancient rival country might obtain in England.

Commercial jealousies more strongly perhaps than any other circumstance, marked the general aversion to the union in England, though the regulations detailed in the proposed articles were calculated to remove them. The old laws were still in force, for the Parliament of neither nation had made provisions to remove them; and the customs of the Borders, over which the subjects of both countries were passing goods, each for his individual gain, still remained, notwithstanding the circumstance of the King being the sovereign of both realms, and the pending union between them being referred to commissioners; so that the delays, instead of convincing either country of the solid advantages of an union, warped their opinions the contrary way, by the temporary gains or losses which each alleged the other had obtained or suffered.

It was not, till the 11th of November, 1606, that the Parliament of England took into consideration the report of the Commissioners, on the Articles of Union. The great Sir Francis Bacon had, by this time, been promoted to be the King's Solicitor General; and if James's judgment in the choice of his servants is to be esti-

mated by his selection of this distinguished lawyer and philosopher, it is impossible he could have employed a more able advocate.

The Solicitor General introduced his opinion in favor of the Union, by observing, that comparisons, drawn from history, would not bear upon the present subject, as the question rested not on authority but on expediency ;—That it could not be expected, but that difficulties must occur, in the progress towards the attainment of this good, among which was the naturalization of the Scots. This was rather to be granted, from the manifest inconveniencies which would arise from their remaining *aliens*, than from the supposed injuries which were apprehended, from their being incorporated with the subjects of England ;—that the objections to that grant, resolved themselves into the single point, of their having a voice in the government, not to the contingent circumstance of individuals holding offices ;—that, in regard to their having such a voice, it had been pleaded, that it would make a surcharge of people in the realm of England ; but this he held to rest upon nothing better, than what he termed conjectural experience, that is, not reasoning respecting the future by the past, but resting the argument on supposition of possible events.

events. When the King acceded to the throne of England, the influx of Scotchmen, attending his court, is taken as the measure, for the numbers of Scotchmen, who under a bill of naturalization, may resort to England ; but it was in the knowledge of the House, how very few from that nation had settled in the respective counties and towns which they represented ; and he would pledge the answer to be, from all of them, that the number was small indeed. It was not to be presumed, that a proud but poor people would be disposed, without estate and without friends, to settle among their equally proud and richer neighbours. If the Scots had emigrated to Poland, it was because their pride would not be hurt by their exerting industry amongst strangers ; and if the numbers of them in France (where the boon of naturalization had been long granted them) were few, and where the military service in which they were engaged was conformable to their pride, it was not to be presumed, that their being naturalized in England (judging from the fact in France) would bring a surcharge of inhabitants upon this realm. He appealed to the fact in the four preceding years, that a small number of Scotchmen had settled in England, and inferred, that though the Scots, like the plebeian Romans,

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while naturalization was denied them, might anxiously seek after it, yet that like these plebeians, they might never have one plebeian consul.

2d. That, in regard to the surcharge of inhabitants which would result from the naturalization of the Scots, if the comparison was instituted, between France, or Italy, or Flanders, or some part of Germany, and England, it would be found, that in the same space of surface, as England, the population was greater ; and it would not be asserted, that England, in fertility, was inferior to these countries. If we were to judge from the number of commons and marshes in England, it was demonstrable, whatever surcharge of inhabitants might be in the capital, the population of the kingdom at large was scanty. If we were to decide from the number of decayed towns in the realm, compared with the small number of new towns, which had arisen to replace them, or from the fact, of many of the members in this House, sitting for decayed and almost desolated boroughs, we should rather wish for the increase of inhabitants than make objections to so manifest a national improvement. But should even this argument be narrowed, and it be pleaded, that it is the internal, not the maritime counties, which have reason to apprehend a surcharge of inhabitants,

bitants, the fact was not less against the conclusion : the former, it is true, have nothing but the soil from which to draw the means of subsistence, but the latter have fishing, navigation, and trade, and so far are they from being surcharged with people, that the Flamands draw the greatest part of the wealth which our fisheries afford, not the inhabitants of our islands or sea-ports. We have, therefore, unoccupied scenes for industry in our waste lands and on our coasts, an unanswerable argument, that the English industry is not yet sufficiently called forth, or it would not have complained of a surcharge of people. Ireland, besides, offered a fertile and rich island now happily under the government of our King, even should that surcharge of people take place, to which colonists might be sent to find useful fields for industry. But admitting the case, that England should be surcharged with inhabitants, this alone would enable it, with its national dignity, to enlarge its limits, recover its ancient rights, repair the losses sustained by our ancestors, and enlarge the patrimony of our posterity. Though frugality be a virtue of an individual, it is not a principle for Parliaments and for kingdoms, when the greatness of a country is the object.

The second great objection to the union,
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arises from the circumstance of the laws of England and of Scotland forming different and distinct systems of jurisprudence, and from its being the declared intention of his Majesty, that no innovation is to be made of either; and therefore, that it would be unwise to admit the Scots to the rights and privileges of Englishmen, unless they agree to submit themselves to English laws.

This objection, it will be allowed, is infinitely more substantial than the preceding one against naturalization; for, in the judgment of the person addressing the House, if the Scots could be induced to adopt the English laws, they would submit themselves to laws worthy to govern the world. To this belief, however, naturalization is the necessary preliminary, which takes out the marks of a foreigner and leaves to union of laws to make the Scotch entirely as ourselves. Naturalization removes the separation of kingdoms; union of laws the distinction of people. Does not the sovereign of nature himself promulgate different laws? One law in the celestial, another in the terrestrial worlds; and yet the beings he has made constitute one whole, without a vacuum. In the true religion, professed by people of all languages and lineages, are not their different hierarchies regulated by different ecclesiastical

fiastical polity and laws? and yet are not all naturalizants in the communion of fairs and linked together by the bonds of private affection? Are not our own laws in force in Ireland, or in the dependencies of Jersey and Guernsey, and yet have not these laws attracted the confidence of the inhabitants? If England is to be the residence of the sovereign, it will also be that fountain of laws, which will win upon the affections of the Scots, not by formal acts of the Estates of Parliament, but by the secret and certain operation of time, and the intrinsic value of the laws themselves.

3. That, in regard to the barrenness of Scotland, or the poverty of its inhabitants compared with those of England, one of the wisest of our ancient sovereigns, Edward I. preferred extending his empire over Scotland, to its natural boundary the ocean, to the acquisition of foreign dominions; and if in that age the fatal result of the contest, between the two nations, proves any thing, it proves, that, in capacity, in valour, and in virtues, (perhaps too in vices,) the inhabitants are the same people, and formed to promote a common greatness with the English. If the climate and soil of the one be not so benign or so rich as the other, the intercourse of the inhabitants will produce that industry, and those improvements, which must be for

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the common benefit of the whole. To make a distinction between the Scots, born before his Majesty's accession and since that happy event, is to prefer children, who cannot have deserved, to men who may have well deserved of their country; to place the elder brother, for a mere contingency, in a worse situation than the younger; a maxim, not less contrary to law than to that reason upon which all law is founded.

Thanks to the laws of England, which have made the wise distinctions of persons, between the alien born under a foreign inimical state, who receives protection, neither for his person, lands, or goods; and the alien, born under a friendly state, whose person and moveable goods the law shields, though it admits him not to freehold inheritance; assigning, as its reason, that owing allegiance to a foreign state, he may become an enemy, but while he is not one, confers on him its transitory benefits. It, at the same time, admits his being naturalized by charter or denization; so that he may purchase freehold inheritance and may convey it to his children, born after he may have been naturalized; but it prohibits benefits from pedigree, upon the principle, that affections are innate and inherent, and not capable of being bestowed as a benefit. All these

these degrees, however, are different from the state of a person, who neither is, nor can be an enemy, on whom the law, therefore, confers the full benefit of naturalization. Of such a person, it cannot be pleaded, that he was born out of the King's obedience, or in allegiance to a foreign King: the practice of England, respecting persons born in Jersey or Guernsey, and in Calais (when it was ours) illustrates this fact. Sound policy, therefore, like fame, ought to hold up to all the world the attachment of all his Majesty's subjects.

Having thus pointed out the benefits, which will arise from naturalization, he next turns to the public injuries which will result from refusing it.

It may be taken for a maxim, founded in history, that whenever states are united in sovereignty, if this shall not be followed up by naturalization, time rekindles their ancient animosities, and occasions break the links which have united them. Such were the Romans before their memorable union with the Latins, exhibiting the most cruel wars, falsely termed social, in the history of that people; such were Sparta and the other Grecian states; such was Spain before it was consolidated with the kingdom of Arragon; such were Florence and Pisa; and, without recur-

ring to other instances, such, in our own history, were the effects of naturalization, between us and our provinces on the Continent; such the effects in our own nation, from the heptarchy downwards; so that, if we have not the foresight to prevent certain evils, the foreign enemies of the state may work up the ancient animosities between the kingdoms, and thus deprive us of the benefit, arising from the united strength of the two realms.

From the union of these realms, we must derive security and greatness: security against our ancient enemy, France, and our recent enemy, Spain. To the former, Scotland was the postern-gate; to the latter, Ireland an inlet. By an union the one will be shut, and the northern approach to the other protected; and thus the avenues and approaches, by which the enemy might assail us, effectually guarded, and the kingdom placed in security. From the union, we must also derive greatness, for Scotland and England will become one, and Ireland be connected with both, while the sea-ports in the Low Countries are divided in their maritime strength, and thus our kingdom, like a small grain, may grow and spread out its greatness, fostered by our constitution, and possessing riches, not like the gold of Cræsus to be exhibited for ostentation, but in the wisdom of Solon,

lon, protected by invincible iron. The greatest monarchies have been founded in poverty. Persia was barren, but subdued Media. Macedon ignoble, till raised by Philip and Alexander. Rome rose from a few cottagers. The Barbarians overrun the Roman Empire, settled in its richer provinces, and by union, gave rise to the greatest kingdoms. It is, therefore, this principle of union, on which the security and greatness of these realms can alone be built; these are the sentiments of my heart; I have obeyed them, it was my duty.*

This able defence of the union, it might have been supposed, would have carried conviction to the minds of the House, but the prepossessions against it were so strong, particularly on the article regarding naturalization, that the succeeding members who spoke, placed their objections in various forms.

Sir Edward Sands admitted, that many of the Scots, born before the King's accession to the Crown of England, had by their conduct merited the confidence of the English nation; and that many of them, from their character and situation in life, had the capacity and the opportunities
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* Appendix, No. XVIII. p. cii.

of rendering England still further services ; but as naturalization of this kind was a novelty in the law of England, which admitted not, (he contended) those distinctions of aliens, which had been borrowed from the civil law, Parliament ought to confer it with much caution, and to declare the degree of naturalization which they were willing to acquiesce in. That though an union had taken place in the two realms, owing allegiance to the same sovereign, that union was imperfect, while the nations remained subjected to different and distinct systems of law ; and that it could not be perfect, till both countries acknowledged the same government and the same laws. That if this perfection was for the present unattainable, the Scots alone were to blame, who had declared the basis of their consent to an union to be the continuance and preservation of their own laws. While, therefore, they remained in this resolution, the two kingdoms must continue distinct ; and no good reason could be given for admitting them to the benefits of the English government. It, therefore, was his opinion, to grant them only certain degrees of these benefits, for the present, that their own experience might convince them of the benefits they would derive from a more perfect union of laws. This would,

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at some future time, serve not less to convince them of the present liberality of the English nation, than induce them to ask for the advantage of being placed under English laws.

Sir Henry Nevill objected to the naturalization, upon the principle, that the Scots, by successive treaties, were united with France, the rival of England, and were in the actual enjoyment of privileges in France, founded upon these treaties; and, farther, that these privileges had been enlarged by the present French King, that therefore, while treaties existed, by which the Scottish nobility were bound to join and support the King of France, against whatever enemies he might have, and in the event of a doubtful succession of the Crown of Scotland, to appeal to the French King, as an arbiter, he considered it to be unwise to transfer to that nation the benefits which Englishmen enjoyed; at least, he held it to be a subject for the fullest investigation, whether it was safe, advantageous, honourable, or consistent with sound policy, to grant privileges to the Scottish nation, till such time as they shall have relinquished the benefits and privileges which they enjoyed in France.

Mr. Crew thought the privileges, which a full naturalization of the Scots would convey to
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the Scots, under the heads of acquisition of lands, ecclesiastical benefices, civil offices, dignities and honours, and trade, would be unwise; and that, at all events, such degrees of these privileges as might be given, ought to be placed under the limitations of the 13th of Elizabeth*, without any way derogating from the King's prerogative.

Sir Nathaniel Bacon gave it, as his opinion, that the naturalization could not be granted, except upon two conditions; that the Scots should be made subject to the same taxes and payments with the English; and that they be declared subject to the law and justice of England, in the same manner, as if they were resident in it.

Sir Francis Moore objected to the naturalization, from the effect which the education of wards, by Scotchmen, out of England, would have, on the qualifications to judge of the laws
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* See Statutes at Large, Vol. II. p. 585. 13 Eliz. cap. 3. —which requires denizens, departing the realm, to have the Queen's license, under the great or privy seal; and made them liable, if they did not return, within six months, to the forfeiture of their lands, during their lives, and also their goods and chattels. The like penalty they shall sustain, who, having licence, shall not return, within six months after their licences expired.

and customs of the kingdom, in the case where a person of this description might be called to exercise public offices in England, and from the opportunities of waste, which a Scotchman, being a guardian, might have of retiring to Scotland, before his ward came of age, and thus be out of the reach of the law to which the ward was entitled to resort for protection; and recommended, that a regulation should be made, to prevent Scotchmen marrying English wards, without consent of guardians; an evil which would bring much injury on English subjects.

Sir John Bennett recommended, that the natives of Scotland should be excluded from becoming Archbishops or Bishops, these being places of honour, as well as a part of the judicature of the realm; but thought, they might be admitted to Deaneries and Archdeaconships, with cure, but without judicial authority: that they might enjoy one dignity and one benefice; but not two benefices and a dignity, or two dignities and a benefice; that they should be excluded from a dignity in a cathedral, unless they have acquired the degree of a Batchelor in Divinity, but rendered incapable of holding a benefice, unless they were Masters of Arts; and, in general, that it should

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not be competent for Scotchmen to hold more than one tenth part of the benefices of the realm.

Sir George Moore doubted, if it would be expedient to allow Scotchmen to hold the offices of Sheriffs, or Justices of the Peace, it being in the power of the former officer, to raise the *posse comitatus*, and in any two of the latter, to call sessions, and thus become judges of life and death by the laws of a country in which they had not been educated: and the same objections lay against their becoming Coroners, Under Sheriffs, &c. That, indeed, the granting of such privileges did not appear to be required, in the King's message, which asked nothing beyond loyalty to his Majesty, a due care of the English constitution, and a proper regard to the Scottish nation, now in common allegiance with the English to the same sovereign.

Sir Edwin Sandis was of opinion, that the business ought to be adjourned, for future consideration; because the objections to the measure, as well as the measure itself, were at present in such a state, as to require the fullest deliberation; and that no resolutions which the House could come to, in this stage of the business, could be held as binding or ultimate, or could preclude

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it from receiving other propositions on the subject*.

Conformably to this opinion, the Commons sent up to the Lords, propositions, which appeared to them essential to be adopted, *viz.* That it was for consideration, whether the naturalization should not be limited:—that the union of allegiance be perfect, but the laws, customs, and privileges reserved, as in Scotland:—that the ancient treaties, between France and Scotland, which were formed against England as the common enemy of both, should be annulled:—that the natives of Scotland might be allowed to purchase lands, &c. but these lands to be subject to all charges and subsidies in England, and the produce not to be carried out of England:—that no native of Scotland be capable of being an Archbishop or Bishop, to prevent their sitting as Barons, in Parliament:—that they should not be heads of colleges:—and, in general, that the natives of Scotland should not, at any time, hold more than one tenth of inferior benefices; and of this tenth, no individual of that country should hold two benefices and two dignities, or more than one dignity and one benefice; nor even these,

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unless

* Appendix, No. XIX. p. cxxix.

unless he have taken the degree of Batchelor in Divinity in one of the English Universities, and performed his exercises, without dispensation; nor one benefice, unless he have attained the degree of Master of Arts:—that it was for consideration, whether a Scotchman could be a guardian of any of the King's wards, as it might give him an undue influence over the person and the lands of the ward, and entitle him to the penalty, if the ward refused the marriage offered him by the guardian:—and that it was also for consideration, whether Scotchmen could be Sheriffs, because, in this capacity, they would be superiors of judicatures, have the return of writs, and the empannelling of juries;—or whether they could be Justices of the Peace, because it would enable them to hold sessions, vest them with the execution of penal statutes, and give them influence in raising subsidies*.

James, who was fully informed of the opposition, which had been made in Parliament, to his favorite measure, and not less irritated, at the interpretations which had been given of his speech, when he opened the sessions, commanded both Houses to attend him, on the 2d of May, 1607,
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* Appendix, No. XX. p. cxxxvii.

and addressed them in a speech, of which the following is the substance :

That, when he first proposed the measure of an union between the two kingdoms, their general approbation promised him the happiest conclusion :—That he was sorry to find, they had misinterpreted his meaning, in his first speech, and therefore he was now to examine their objections, and to give them his directions for their proceedings in this great national concern :—That some of them, while they recommended a perfect union, had at the same time, raised objections which would render impracticable any union :—That time alone could give it perfection, and that, to the most ordinary capacity it must be obvious, the union must proceed by degrees, till the subjects of both realms could be fully incorporated :—Different, however, had been his conduct, from that of Henry VIII. ; for, instead of commanding, he had required them only to appoint Commissioners to examine the subject, and to propose terms :—That the union of the Crowns was perfect, at his accession, but the union of the nations must be gradual :—that, at the first opening of the business they had resorted to the example of other countries, where an union had been completed, but in the progress of their debates, they
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had receded from examples, and did little more than start objections :—That if his presence was objectionable, he could reside, one year in England, and one year in Scotland ; or he could reside at York ; but he trusted, their observations on that subject might be ascribed to weakness, not to want of duty :—That he felt it hard to be encountered by his own subjects :—That the objection of want of security was unreasonable, as he offered them his honour for their security :—That the offering the Scots partial privileges, that they might desire more complete ones, was illiberal, since the people with whom they were united were not a foreign nation, like France, but neighbours, connected with them in allegiance to the same sovereign :—That if a reservation had been made of fundamental laws, the blame was their own, in not giving unlimited powers to their Commissioners :—That in repealing the hostile laws, they granted nothing, because the moment he became King, that moment hostility between the two countries ceased ; but though, like other men, he was subject to passions, he would not blame either the whole House or the nation, for the provocations given him by individuals : and he conjured them to reflect, that they were acting in the presence of God, and required them, by their loyalty

ty to their King, and their duty to their country, seriously to direct their attention to a measure, upon which the glory of the Sovereign, and the happiness of the Subject depended; and not to make themselves, by their disputes, objects of derision to their enemies*.

This speech, which James expected would have convinced his Parliament, and removed all the difficulties which had been raised against the union, produced a perfectly opposite effect; for instead of entering again on the consideration of the subject, nothing was done, but passing an act, repealing, provisionally, the hostile Border Laws; so that in fact the union was rejected. It is probable, that the proclamation which the King had issued, declaring all those who were born in Scotland, since his accession to the Crown of England, to be naturalized, contributed to bring the Commons to this indirect refusal.

In the preamble to the act, abolishing the hostile laws, it proceeds, upon the principle of forwarding the union, already begun in the King's royal person, then enumerates the laws and declares them to be repealed, and of no effect†.

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* Appendix, No. XXI, p. cxlii.

† Statutes at Large, Vol. III. p. 62.—4th James I. cap. 1.

Finding therefore that there was little prospect of bringing Parliament to accede to his measures, James prorogued it on the 4th of July, to the 10th of November, and afterwards to the 9th of February.*

The King though unable to bring the Parliament to accord with his proclamation in favor of his Scottish subjects, born after his accession to the Crown of England, was more fortunate, two years after this period, in the decision of his Judges, Robert Colville, son of Lord Colville of Culrofs, and born in Scotland after the accession of James to the Crown of England, claimed as an inheritance, the property of an house in the City of London. It was objected, that the claimant was born out of the allegiance of the sovereign of the country where the property was situated, which country was and still is governed by its own estates and laws, and not by the laws of England. The case received judgment, in the Court of King's Bench, and was brought before Lord Elefmere, in the Court of Chancery, who decided, "that
 " the *post-nati* are not aliens to the King, nor to
 " his kingdom of England, but, by their birth-
 " right, are liege subjects to the King, and capa-
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* Rapin, Vol. II, p. 175.—Hume, Vol. VI, p. 40.

“ ble of estate of inheritance, in England, and
 “ freehold of lands in England, and maintain, as
 “ well real as personal actions, for the same.”

Notwithstanding this solemn decision, the alarm became more general, and various representations were given in periodical publications, of the Chancellor's opinion on this subject, calculated to inflame the minds of the people, and more deeply to root their prejudices against the union, till the King at last ordered Lord Elefmere to draw up a printed statement of his opinion, for publication, a circumstance which strongly marks the prevailing prejudices against the union as well as the King's anxiety to remove them.*

It does not appear, that the subject of the union was again revived, during the remainder of this reign, probably from the prevailing discontents, respecting their privileges, which subsisted between the King and the Commons, and probably from the King's attention being turned to foreign affairs, particularly those of the Palatinate; and towards the latter end of his reign, from the difficulties in which he found himself involved with Spain, obliging him to yield, to Par-
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* The Speech of the Lord Chancellor of England, in the Exchequer Chamber, touching the *Post-nati*.

liament as part of its privileges, what at his accession he deemed some of the most important branches of his prerogative. *

From the circumstances which have already been referred to; in particular, from the Scottish nobility finding their opposition to the sovereign, which had marked their characters for so many ages, now to be unavailing; from the expectations of promotion which they indulged, and from the constitution of the Scottish Parliament, to which laws were, in a measure, prescribed by the "Lords of the Articles" who were immediately under the influence of the Crown; we have already noticed the ready compliance of this Parliament, in appointing Commissioners, to meet with those of England, to form propositions for an union, which were to be laid before the Parliaments of both countries.

It does not appear, in any of these articles, even those at which it might have been expected the Scottish Commissioners would have taken alarm, if not offence, particularly the articles regarding naturalization, that any obstruction was given, on their part; and no evidence remains to shew that they retaliated, by starting objections

* Hume, Vol. VI. p. 144.

objections against the English being admitted to honors, privileges, or franchises, in Scotland.

If, on the one hand, the most important advantages were opening to the Scots, by being admitted to a participation in the English commerce, on the other, security to the only accessible frontier of their kingdom, an encrease of strength by the Scottish forces, the having the seat of government removed to England, were manifest advantages which the Scots had to give in return.

Under all these circumstances, it might have been expected, that some objection would have appeared in the Scottish Parliament; but so far from this being the case, we discover, that in 1606, at the period when the animosities of the English Parliament were at their greatest height, the Scots Parliament passed an act, calculated, by its provisos, to ascertain the actual state of the trade between the two countries. It provided, that books should be kept by the farmers of customs, in Scotland, specifying the goods, and the ships, intended for England, and the port in that kingdom to which the vessel was bound; that a book also should be kept, specifying the goods imported from England, the name of the ship, and the port from which it had come; and that, every half year, copies of these books should be sent by

the farmers of customs in Scotland to the farmers of customs in England, and *vice versa*. That the cockets do pass in the names of the principal owners of the goods, that they might be known in England : that prohibited goods shall not have a transit, by the waste grounds, from Scotland to England, and *vice versa* : and farther enacted, that the transit of goods be limited to the towns of Berwick and Carlisle ; and required, that certificates be sent from the farmers' deputies at Edinburgh to the farmers' deputies at Carlisle, or Berwick, sanctioning these provisos with the penalty of confiscation of the goods *.

The disposition of the Scottish Parliament is fully expressed, in an act passed August 11th, 1607, immediately after the English Parliament had indirectly rejected the terms of union, recommended to it by the joint voices of its own and of the Scottish Commissioners. The circumstance of this act remaining on the records of the Scottish Parliament, and not being to be found in the printed acts of that nation, makes it probable, that after being informed, the articles agreed upon by the Commissioners had been rejected, or in the best view of the subject, postponed by the English Par-

* Scotch Acts of Parliament, Vol. I. p. 806.—18 Parliament, James VI. cap. 6.

Parliament, the Scots, from a natural feeling of illiberal treatment, prevented the act from being published, and yet for the satisfaction of the King allowed it to remain on their records.

The preamble proceeds (after expressing loyal attachment to the King, and a resolution to meet his wishes of consolidating the two realms of Scotland and England into one monarchy) on the appointment of the Commissioners, by the Parliament held at Perth, in 1604, and then approves of the transactions of these Commissioners, as exhibited to them in the propositions which they, with those of England, had devised and signed at Westminster, in the preceding September. It approves of the condition, which declared, that the clauses should not be binding, till the articles should be ratified by the Parliament of England; and it reserved to his Majesty, his prerogative in its full extent.

The first proviso of this act of the Parliament of Scotland, is, that all the hostile laws, passed by the successive Parliaments of Scotland, shall be repealed and declared henceforth to have no effect.

That all the Scottish customs and laws, as well as treaties regarding the Borders, shall be declared void; and that the subjects of Scotland, inhabiting
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the late wardenries, shall be declared to be under the common law and statutes of the kingdom, and the name of Borders be extinguished.

That the subjects, or their sureties, inhabiting the Border Counties, shall not be amenable to courts of justice, for any wrongs or crimes, committed before his Majesty's accession to the Crown of England.

That all wrongs or crimes done or committed, since his Majesty's accession to the Crown of England, by the inhabitants either of England or Scotland, in the Border Counties, within the realm of Scotland, shall be judged of by the sheriffs of Berwick, Roxburgh, Selkirk, Peebles, and Dumfries, before assessors possessed, at least, of one hundred marks of yearly rent, before whom it shall be competent to the defendant, to bring witnesses; the said justices to have the power of modifying the expences to be paid to witnesses, and to bind the pursuer, or plaintiff, to such penalties, on failing to give true evidence, as they shall prescribe, to be levied by his Majesty's Treasurer. And in default of the appearance of the defendant, such persons, as have been accessory to the wrong or crime, are declared to be liable for the damages, or to the punishment, applicable to the principal. The defendant only to have the
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power of challenging five of the assessors (jury) on suspicion of partiality ; and in the event of being found guilty, to forfeit only his moveables, his heretable property remaining entire to his heirs, but subject to the burdens attaching to them. The subjects of England, coming into Scotland, to obtain justice in such suits, are to be protected, while there, from the consequences of any crimes or wrongs, done in England ; except the crimes of manslaughter and treason : and if accused of a crime done in England, in the Scotch court, and the party plead in defence, his having been tried and acquitted in England ; the same, when proper information shall be obtained, to be held, as precluding from any further prosecution for the alleged crime.

That no Scotchman shall be sent out of Scotland, for any treason, or other crime, alledged to have been committed in England, to be judged in that country, but shall be brought to trial and judged by the laws of Scotland. On such trials, the assessors or jury are to receive such sworn witnesses as appear competent to them ; with reservation to the Lords of Parliament, to be tried by their Peers. These regulations to remain in force *only*, till such time as the Commissioners for the Union, appointed by the Parliaments of both kingdoms,

kingdoms, should devise and agree upon a more competent system of jurisdiction, applicable to the subjects of each.

That it shall not be legal for any Englishman, to bring or import foreign commodities into Scotland, prohibited by the laws of that kingdom, for importation by Scotchmen ; reserving, however, to Englishmen, the importation of commodities, the produce of England ; but Englishmen to be allowed to import, free, into Scotland, foreign goods, as Bourdeaux wine, in the same manner as Scotchmen do, that is, on paying the established duties in the ports of Scotland.

That, with respect to the article of the treaty, proceeding upon the idea, that Scotchmen had an advantage by their privileges in France, in the purchase of goods, particularly in Normandy, it being agreed by the Commissioners, that two English and two Scotch Merchants should be sent to France, to examine and report, on these supposed advantages ; and as Thomas Fisher and William Speir, for Scotland, and Robert Bell and William Williamson, for England, had been sent into France, for this purpose, and had reported, that the advantages were of so insignificant a kind, as by no means, to stand in the way of a commercial union, therefore the Estates
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of Scotland agree, that Englishmen may trade to these ports, and thence to Scotland, as freely as the Scottish merchants.

That such goods, as are prohibited in Scotland, to be exported by Scotchmen, in like manner, shall be prohibited to be exported by Englishmen; but that such goods, as it is lawful for Scotchmen to export, may, in like manner, be exported by Englishmen, with the reservation, in favor of privileged Scottish companies; but that all other goods, the produce of Scotland, may be as freely exported into England, as if carried from one port in Scotland to another; such articles excepted, as are of necessary consumption in Scotland, *viz.* wool, sheep skins and felts, cattle, leather, hides, and linen yarn, reserving to the Scots their fisheries, within fourteen miles of the coasts, from which, not only Englishmen but foreigners have uniformly been excluded, and that foreign goods, having paid the duty inward in Scotch ports, by Englishmen, shall not pay any additional duty on re-export to a foreign country.

That Englishmen may be admitted associates into any Scottish company, on the same conditions as Scotchmen.

That the liberty of exportation of Scotch
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produce, by Englishmen, shall be limited to England, securities, by bond and cocket (as described in the preceding account of the report of the Commissioners) to be taken.

That, for the purpose of bringing the burden of the Scottish ships, whether used for trade or war, to bear a proportion to those of England, Commissioners shall be appointed from the ports of Edinburgh, Perth, Dundee, Aberdeen, Glasgow, Air, St. Andrews, Montrose, Kircudbright, Irving, Craill, Burnt-Island, and Culrofs, to devise measures for this purpose; and their report to be held as binding, as if enacted by this statute.

That all the subjects of England, born since the accession of the King to that Crown, shall be entitled to privileges in Parliament, and of every kind, and without exception, as the natives of Scotland are, or have been.

The act then concludes with the condition, already specified, of the provisos in it not being binding, till such time as the Parliament of England grant the like privileges to the subjects of Scotland, to be enjoyed by them, within the realm of England *.

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* Appendix, No. XXII, p. cxlviii—or Extracts from the Records of the Parliament of Scotland, Vol. XX.

As the English had repealed the Border Laws, the Parliament, of Scotland, in 1609, rendered this repeal more effectual, by passing an act, requiring a roll, or list to be kept, and returns to be made to the High Commissioner, of such persons as had endeavoured, by passing the Borders, to evade justice and shelter themselves in the one or the other country, from the punishment due to their crimes.

In the preamble it recites, that various cruelties and thefts had been committed, by persons passing the borders of one country to take shelter in the other, who had carried the goods which they had stolen into the middle counties, for sale, and returned with other stolen goods, for the like purpose. That others had, to revenge ancient injuries, passed, under the like concealment, into the borders of both countries. The act therefore ordains, that all persons inhabiting the Borders, shall, for the future, not retain in his service any person, without having knowledge of his character, or a true certificate from his Majesty's Commissioner, or his deputies of the late Borders, under pain of being made answerable for the actions and crimes of such servant. That if such certificate shall be used by any other than the person for whom it was intended, or if they

shall be forged, the person shall be punished with death; and that, in fine, a roll or list shall be kept of such fugitives, and copies of the same affixed to the market crosses in the respective towns*.

But it would appear, that notwithstanding this act, vexatious and fruitless prosecutions, for wrongs or crimes, had been continued; as an act passed in the Scottish Parliament, in 1612, the preamble of which sets forth, that suits were still carried on, for the purpose of recovering damages, or bringing to punishment, persons, for wrongs or crimes committed by the inhabitants of the Border Counties of Berwick, Roxburgh, Dumfries, and Annandale, before the King's accession to England; and therefore it enacts, that all such prosecutions shall cease and determine; reserving, however, the consequences of such judgments as have already been obtained, or such prosecutions, as his Majesty's officers of his courts of justice may deem expedient to institute, at the King's instance; and this act of oblivion not to extend to, or be a protection to persons who have

* Scots Acts of Parliament, Vol. I. p. 842.—20 Parliament, James VI. Cap. 10.

have committed wrongs, or crimes, since his Majesty's accession to the Crown of England*.

This review, from documents, of the transactions of England and of Scotland, when the two Crowns devolved on the same Sovereign, and when a laudable effort was made by him, to consolidate his empire, by an union of the government, suggests the following observations :

1. That where an ancient rivalship of nations has settled into habitual prejudices, the most wise measure which could be devised, for the consolidation of their interests, or raising them to that eminence among neighbouring states, which neither, separately, might have attained, will meet with opposition, not less from feelings being an over-match for reason, than from false comparisons of trivial present advantages with prospects of future prosperity. Had England foreseen the accession of strength to its fleets and to its armies, or had it looked at the prospect of them, exhibited to Parliament by Sir Francis Bacon, it would readily have laid aside the narrow policy of attempting to subject, at once, the Scots to laws, which however perfect, were to them foreign and unintelligible ; and as manners are only the common-

* Scots Acts of Parliament, Vol. I. p. 862.—21 Parliament, James VI. cap. 6.

mon-life pictures of the laws of any country, it was not to be expected, that the manners of the Scots could assimilate with those of the English, till time and intercourse had worn out distinctions, and made the laws of the one country, approach to those of the other; for manners not only lead to laws but are the visible transcript of them.

2. That the commerce of England, though far advanced beyond that of Scotland, at the period when this union was first attempted, was itself narrow in its characters. The arts, which have improved the produce of England, were then few; the manufactures which portion out industry and skill in the subdivisions of labour, and while they improve the commodity lower its price, and find it a market at home and abroad, were then, in a great measure, to create; the merchants of England were but beginning to combine their stocks, and to be supported by exclusive privileges; the liberal principles of profitable exchanges and ascertained credits were then little known; circumstances which account for the jealousies entertained of the influx of poor and supposed numerous neighbours, whose very poverty was a security for their industry, and whose numbers, exercising that industry, would have necessarily added to the wealth of the nation employing them. The very reasons
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assigned by the English Parliament, for rejecting the union, would in more enlightened times have been unanswerable arguments for its adoption.

3. That the narrow distinctions of admitting to the privileges of the English laws, subjects of Scotland born after the accession of the King, and excluding those born before this epocha, is, perhaps, the only instance, in the history of England, where, after deliberate discussion, the manly sense of the nation sunk under the narrow passions which so frequently have characterized the Continental States; but the knowledge of this fact had this use (and in the subsequent accounts of the union the proofs will appear) that it called forward that good sense to prevent prejudices from interrupting measures, calculated for the general interests and glory of the empire. These prejudices perhaps would have less appeared, had the measures originated in Parliament, not in the Sovereign, or they would have been dispelled, had that Sovereign possessed the talents and vigor of his predecessor.

III.—*Events*

III.—*Events and Circumstances, which prevented the Continuation of the Plan of an Union, during the Reign of Charles I, and produced the Semblance of a general Union of the Three Kingdoms, during the calamitous Period of Cromwell's Usurpation.*

If history has to hold up the conduct of a nation, as a lesson to itself, no event in that of Great Britain is better calculated to convey instruction, than the contrast between the union attempted by James, and the semblance of an union commanded by Cromwell. In the one, a King recommended to his Parliament a measure arising out of the event of his becoming sovereign of the two countries. In itself, this measure was wise and beneficial; and the discussions, irregular and turbulent as they were, terminated in more precise characters being given to the prerogatives of the Prince, and to the privileges of the subject. In the other, licentiousness leaning on bigotry, bore down all distinctions; sedition and rebellion, under the stolen name of liberty, overturned the government and murdered the King,

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the Commander of an army vested a committee of his associates, with the honourable name of a Council of State ; ordered the farce of elections, to bring together, under the degraded aspect of a Parliament, tools, who were to declare his usurpation legitimate, and to convey his power to his descendants.

To understand the sources of this melancholy change, it will be necessary to make a general reference to the events and circumstances, which occurred towards the latter end of the reign of James, and during that of Charles I. ; because these events prepared Britain for a submission, which was servile and unnatural to the character of its inhabitants.

These events and circumstances may be classed under the heads of disputes on the subjects of prerogative, of ecclesiastical establishments, of civil privileges, and of forms of government.

1. The *disputes* respecting *prerogative*, took a serious aspect, between James and the Commons, immediately after his accession to the throne of England. As he possessed a power which confirmed his prerogative in Scotland, he adventured on the exercise of it in England, without appreciating his own talents, or the changing opinions of his new subjects ; he had observed, indeed,

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that his able predecessor had exercised this prerogative; but instead of awaiting, till observation of the English character should instruct him, in the means of accommodating himself to the prejudices of the people, he at once attempted to reconcile them to what he deemed his right. No subject, it was obvious, was better calculated for the experiment, than an union between nations which had for ages lived in hostility, but were now in allegiance to the same sovereign. Hurt however at the rejection of his plan, but not instructed in the true reason of his disappointment, James took trivial opportunities to bring forward his prerogative, and in every defeat, indirectly weakened that which he intended to establish.

Charles I. at his accession, by his mild and amiable manners, if he had not adopted the high notions of prerogative which his father had taught him, would probably have escaped, as well as his subjects, from the calamities which ensued. The narrow revenues of the crown, the scanty taxation then known, the wars in which he was engaged, in the early part of his reign, the disappointments he experienced in his applications to successive Parliaments, the levying of money to which his necessities compelled him, and the se-

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vere sanctions which these measures required, in the judicatures employed to enforce them ; all terminated in the civil war, which desolated the kingdom and ruined the monarch.

2. The *disputes* respecting *ecclesiastical establishments*, formed a second source of the events, which prevented the continuation of the plan of an union.

The new opinions which produced the Church of England, in the reign of Henry VIII. had given a general bent to the minds of the English nation, which was favourable to ecclesiastical innovations. This bias became stronger, even during the able administration of Elizabeth. Numerous sects had then started up, were daily gaining strength, and endeavoring to undermine that reformed hierarchy which had succeeded to the Catholic Church. At James's accession, the disputes of the sectaries ran high, and this Prince, who had received a scholastic education, vainly imagined that his, or the talents or learning of any man could comprehend, or could mark out a system that would be to the satisfaction of any party. The *mysteries* of dogmatical casuistry were every day becoming more *mysterious* ; and each leader of a sect engrafting on his system, doctrines, that went to the subversion of the government. James,

however, ordered the parties before him, which in fact was indirectly ratifying the tenets of each, and acknowledging the influence of their leaders over his subjects. These leaders went away dissatisfied, and each suspected that the King was an enemy to his particular creed, and to his liberty.

On the accession of Charles I. all the ecclesiastical sects may be considered, as opposing themselves to the established Church of England. The Catholics, who had been put under penal laws, were naturally adverse to the government which had abolished their system ; but this system being understood and defined, their opposition was more easily resisted.

The Puritans, who at first were of the English Church, but had entertained scruples respecting some of its forms, had, during the reign of James, increased in numbers, and many of them, for non-conformity, had been excluded from their offices and been banished.

In the House of Commons, however, the Puritans had become numerous, and opposed the measures of the Court, from principles which they did not avow, till they had obtained the lead in all the Parliaments which preceded the civil wars.

The Presbyterians next arose. The Puritans
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had only disputed with the Church of England about a few forms; the Presbyterians opposed the English Church by new church forms. Their system had already been prevalent in Scotland, where their leaders guided equally the government and the people, and example had taught them to seek after a like ascendancy in England.

The animosities, between them and the votaries of prelacy, were becoming greater, and their efforts were now directed to bear down the established church and the kingly power, but terminated in degrading themselves into subjection to the Independents, still more rigid than themselves, and whose notions went directly to levelling and anarchy.

Of all the sects, the most dangerous were the Independents;—They supposed themselves possessed of supernatural powers, studied all the arts by which their influence might be spread, carried their pretensions much higher than the Puritans or Presbyterians had done, declared not only the church, but all the other sects, in a state of abhorrence by Heaven, pronounced all ecclesiastical establishments to be usurpations, successfully confounded the established church of England with the arbitrary proceedings of the high Court of Commission, formed themselves into congrega-

tions, the voices of which constituted equally laymen and priests as instructors :—These instructors preached sedition, under the specious pretext of *reforming* grievances, and at last formed themselves into a Parliament, who usurped the government and swept away the prerogatives of the Crown and the liberties of the subject.

3. The *disputes, respecting civil privileges*, were intimately blended with those between the church and the sects.

The Star Chamber had possessed, in civil matters, a very high authority. Anterior to the accession of the Stuarts, the meetings of Parliament had been unfrequent, and all its struggles against the Crown had been followed by civil wars and calamities, so that, till the opinions referred to, began to mix themselves with notions of civil privileges, and to become questions in the House of Commons, little danger was apprehended, from the exercise of these latent powers of the Crown. The imprudent exercise of prerogative, in the case of proclamations, superceded the recommendations of the King, on the subject of an union of the two kingdoms. The powers of the Star Chamber began to be questioned, and the events, in the subsequent reign, led to their gradual abridgment, and introduced those discussions

cussions on civil privileges, which were intermingled with the casuistry of the sects, and prepared the nation for a revolution.

The frequent applications of Charles to his Parliaments, for supplies, and its as frequent refusal, led to rapid dissolutions and to the irregular levies of money. Hence the severities of the Star Chamber ;—so that, when the Parliament assembled, in 1640, the disputes about prerogative and privilege had worked up the minds of the nation into a ferment which was fast hastening them on to a civil war.

The malcontents had now triumphed over the Judges and over the Church; political and religious innovators formed but one character; the authority of the Commons became supreme; the triennial bill was introduced; the high Commission and Star Chamber were abolished; the King obliged to leave London; and the civil war commenced. Fairfax, Cromwell, and the leaders of the Independents placed themselves at the head of the army, composed of Independents, till at last this army became the opponents of the Parliaments who had employed it, but now saw they could no longer defend themselves against the military leaders, who formed a military Parliament, to be dictated to by a Council of Officers.

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The question, thus, about prerogative and civil privileges, terminated equally in the destruction of both.

4. The *disputes*, as the dissolution of the monarchy approached, ran into that extreme which might have been expected, or into a general question, respecting *the best form of government*. This question was itself a proof of anarchy; because no substitute, accommodated to the manners of the people, was to be found. Almost every individual, therefore, imagined himself capable of forming a system of government, and held, that every other but the one he had hatched in his own little mind, was an usurpation which it was his duty to resist. Arms, thus, not reason, commanded the people.

The death of the unhappy monarch was followed by the Commons declaring the House of Peers useless, and that the public business should, in future, be carried on in the name of "the Keepers of the liberties of England;" and the year, in which the government of their country was overturned, in the true levelling jargon, was declared to be "the first year of freedom."

This event however did not annihilate the disputes, respecting forms of government, for every leader, every party, and every sect, pretended to
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a new and more perfect theory, and insisted, that all that was wanting to complete the happiness of the people, was the reducing this theory into practice. These extremes led to greater extremes; for the levellers now disclaimed all subordination, and were for an equal distribution of property. The fifth monarchy men were for suspending all human government, in expectation of an approaching divine institution. Some of the Independents were for an appeal to certain internal and mysterious principles of conduct, and for abolishing the authority of magistrates in religion; some of the casuists went farther, and were for abolishing magistrates, annulling the laws of England, and making an appeal to a more simple distribution of justice; while the true Republicans were for privileges to themselves, without coming under any obligation to others.

Amid such contradictory and absurd opinions, about forms of government, the leaders of the army took the only means that was practicable, for establishing any order. The army consisted of about fifty thousand men, ready for any new violence that suited the ambition of their leaders. Over this army Cromwell had obtained a complete influence. That part of the House of Commons, which had assumed the name and authority

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of Parliament, began now to be alarmed for the very army which had supported them against the King, and therefore resolved to strengthen themselves by issuing out new writs, for such places as they knew would return members, suited to their purposes. Till these elections could be made, they named a Council of State, to exercise the functions of government, and to prepare the business for Parliament.

Cromwell had marched into Scotland, where Charles II. had been invited by the Presbyterian leaders. The Scots were defeated at the battle of Dunbar, an event which dissolved the government of that country; for we find Cromwell writing to Parliament, from Edinburgh, on the 8th day of April, 1651, requiring it to send Commissioners, to administer the affairs of that kingdom. The Parliament referred his letter to the Council of State, desiring it to send the names of fit persons for this duty, with instructions by which they were to be guided.

It does not appear, that the Council thought it expedient, at this time, to adopt this measure, as a similar order was made by Parliament, on the 25th of September; and then an appointment had taken place; for an order was given, for defraying the charges of the Commissioners in Scotland,

land, during the time they might remain there, in the exercise of this duty *.

Cromwell had now returned to England, and defeated the royal army, at Worcester; so that, in fact, there remained only to contend with each other, the Parliament and the army, and the business of each was, to excite jealousies in the people, against the other.

The Parliament created a High Court of Justice, which was to receive all indictments from the Council of State, and to try the parties.

In order to weaken the influence of the army, Parliament next began to extol the services of the navy in the Dutch war, and directed some regiments to be sent on board the fleet, to serve as marines.

Cromwell, supported by the army, saw, that the Parliament which had been the instrument he employed in subverting the monarchy, would no longer serve his ends, and therefore determined to dissolve them. For this purpose, he summoned a General Council of Officers, who resolved to share among themselves the power and the riches, which the republican shadow of a Parliament had hitherto enjoyed.

That he might, however, still keep up the
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* Appendix, No. XXIII. p. clxix.—Parliamentary History, 1651—1656, page 82.

farce of respect for the Parliament, this military Council framed a petition and remonstrance, “re-
 “quiring their arrears of pay, that they might not
 “be compelled to take free quarters upon their
 “fellow subjects, who already paid so great con-
 “tribution and taxes, which they were well
 “assured, if well managed, would defray all the
 “charges of the war, and of the government.”*
 This petition was rejected, and a second sent up,
 “directing the Parliament to dissolve itself, and
 “to summon a new one, which would be the most
 “popular act they could perform,” and to allow
 the people that free government, which had been so
 long promised them. This petition the Parlia-
 ment resisted, and were resorting to the expedient
 of issuing new writs, when Cromwell, having first
 placed a body of troops round the House, dismissed
 the Parliament on the 10th of April, 1653, and
 ordered the doors to be locked †.

Such was the termination of an assembly,
 which contributed to raise the Usurper to absolute
 power, and which he now threw behind him, as
 useless; and such the fate of the Independents,
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* Rapin, Vol. II. page 589.—Clarendon, Phillips, and
 Whitlocke.—Parliamentary History, 1651—1656, page 97.

† Ibid.—Hume, Vol. VII.—Parliamentary History,
 1651—1656, page 137.

whose efforts and crimes brought them into the situation of reflecting on the change they had experienced, from paying an honest allegiance to a virtuous Prince, to bowing to the will of an Usurper; proving thus—"that illegal violence, with
 "whatever pretext it may be covered, and what-
 "ever object it may pursue, must inevitably end
 "in the arbitrary and despotic government of a
 "single person."*

Though Cromwell might have assumed the administration of the government, by the same authority that he had expelled the Parliament, he was too well instructed in the prejudices of the people, in favour of Parliaments, not to prefer making his elevation appear to be an act of their own; he therefore published a declaration, justifying his conduct in dismissing the Parliament, and summoned the same Council of Officers, who had presented the petition to it, in which it was resolved, that the government should be vested in one hundred and forty-four persons, many of whom were of the lowest orders of the people; and as he foresaw their incapacity for business, he concluded, they would soon afford him a pretence for assuming the government †.

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* Hume, Vol. VII: page 220.

† Parliamentary History, 1651—1656, page 151.

This assembly met at Whitehall, on the 4th July, 1653, and by an instrument, signed by Cromwell and his Officers, were vested by them with the supreme power, which they were to hold, till the 3d day of November, 1654 ; but, three months before this period, they were to make choice of their successors, who, in like manner, were, in the space of one year, to make choice of their successors. It was this assembly, known by the name of Barebone's Parliament, which continued its ineffectual and nominal existence, till the 12th of December, 1653, when it resolved to resign the government into the hands of the Council of Officers, from whom it had been received*.

The Speaker, therefore, with a few of the members, appeared before the Council ; and after declaring themselves unequal to the trust, which had been reposed in them, returned the instrument, which had vested them with the government, beseeching the Council to provide for the safety of the country.†

By this artifice, however gross or absurd, Cromwell had the authority of a nominal Parliament, for publicly assuming the supreme power.

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* Parliamentary History, 1651—1656, page 176.

† Ibid. page 238.

On the 16th of December, the Council of State, consisting of ten, assembled and resolved, that a proclamation should be issued, accompanied with a letter to the several sheriffs, signed by Mr. Secretary Thurloe, declaring, that as the late Parliament had dissolved themselves, and resigned the power, with which they had been entrusted, into the hands of the Council, it had determined, that the Commonwealth of England, Scotland, and Ireland should be vested in a Lord Protector, and in successive triennial Parliaments:—That Oliver Cromwell, Captain General of all the Forces, had been declared Lord Protector;—and that his authority should be published in all the counties and towns of the realm*.

For this purpose, a warrant, signed on the 19th of December, by thirteen of the Council, was issued, and addressed to the Serjeant at Arms, requiring him, to cause the said proclamation to be published, by sound of trumpet, and in the most solemn manner, in all the public places in London and Westminster, on that day, and the
other

* Appendix, No. XXIV. p. clxxi.—The Minutes of this Council have been preserved at the State Paper Office; but the other papers, which would have thrown light on the secret history of the times, are not to be found.

other Serjeants at Arms, were required to attend, and to see the proclamation so published*.

On the 27th, Mr. Thurloe was directed to prepare, what was termed an *instrument*, for the government of the *Commonwealth* of England, Scotland, and Ireland, that it might be printed and published†.

It appears, that the articles had already been finally settled in the Council; as on the 5th of January, 1653-4, it was ordered, to be engrossed in the Parliament rolls, and in all the courts at Westminster‡.

The substance of the instrument is as follows:—That the government of the three kingdoms, and the dominions belonging to them, shall be vested in a Lord Protector and in a Parliament; and that Oliver Cromwell be Protector, to be assisted by a Council, consisting of a number, not exceeding twenty-one, and not less than thirteen:

—That all writs, now running in the *names of the Keepers of the Liberties of England*, shall run, in future, in the name of the LORD PROTECTOR, as head of the Magistracy and the source of all honours, and who is to have the power of granting pardons,

* Appendix, No. XXV. page clxxiv.

† Ibid.

‡ Ibid.

pardons, in all cases, but those of murder and treason ; to have the benefit of forfeitures, for the public use ; and to govern by the advice of a Council, according to Law :—

—That the Protector, during the sitting of Parliament, shall, by its consent, dispose of the military force, and during its recess, by the consent of the Council :—

—That, with like consent, the Protector shall transact with foreign nations, and have the power of war and of peace.—

—That no law shall be altered or repealed, and no new law made, exacting taxes from the people, but with consent of Parliament; *except, in the urgencies of war, or of internal disorders; when the Protector and Council may issue orders for levying money, and these to remain in force only, till the next meeting of Parliament :—*

—That a new Parliament shall meet at Westminster, on the 3d of September, 1654, and continue for three years, from the dissolution of the late Parliament; and that, successively, new Parliaments shall be summoned every three years:—

—That Parliament shall not be adjourned, prorogued, or dissolved, for five months, from the day of its meeting, without its own consent:—

—That the Parliament for England and
U Wales,

Wales, Berwick, and the isles of Guernsey and Jersey, shall not exceed the number of four hundred members; the members for Scotland, and for Ireland, not to exceed thirty for each; and the number for counties and towns be proportioned, as follows:—

Bedfordshire and Town,	- - - - -	6
Berkshire and Towns,	- - - - -	7
Buckinghamshire and Town,	- - - - -	8
Cambridgeshire, Isle of Ely, and Towns,		8
Cheshire and Towns,	- - - - -	5
Cornwall and Towns,	- - - - -	12
Derbyshire and Towns,	- - - - -	5
Devonshire and Towns,	- - - - -	20
Durham and Towns,	- - - - -	3
Yorkshire Ridings and Towns,	- - - - -	22
Essex and Towns,	- - - - -	16
Gloucestershire and Towns,	- - - - -	9
Herefordshire and Towns,	- - - - -	7
Hertfordshire and Towns,	- - - - -	7
Huntingdonshire and Town,	- - - - -	4
Kent and Towns,	- - - - -	18
Lancashire and Towns,	- - - - -	8
Leicestershire and Town,	- - - - -	6
Lincolnshire and Towns,	- - - - -	16
Middlesex and Westminster,	- - - - -	6
City of London,	- - - - -	6

Monmouth-

Monmouthshire and Towns,	-	-	-	-	-	3
Norfolk and Towns,	-	-	-	-	-	16
Northamptonshire and Towns,	-	-	-	-	-	8
Nottinghamshire and Towns,	-	-	-	-	-	6
Northumberland and Towns,	-	-	-	-	-	5
Oxfordshire University and Towns,	-	-	-	-	-	8
Rutlandshire,	-	-	-	-	-	2
Salop and Towns,	-	-	-	-	-	8
Staffordshire and Towns,	-	-	-	-	-	6
Somersetshire and Towns,	-	-	-	-	-	16
City of Bristol,	-	-	-	-	-	2
Southampton and Towns,	-	-	-	-	-	14
Suffolk and Towns,	-	-	-	-	-	16
Surry and Towns,	-	-	-	-	-	10
Suffex and Towns,	-	-	-	-	-	14
Westmorland,	-	-	-	-	-	2
Warwickshire and Towns,	-	-	-	-	-	7
Worcestershire and Worcester,	-	-	-	-	-	7
Wiltshire and Towns,	-	-	-	-	-	14
Anglesea,	-	-	-	-	-	2
Brecon,	-	-	-	-	-	2
Cardiganhire,	-	-	-	-	-	2
Carmarthenhire,	-	-	-	-	-	2
Caernarvonshire,	-	-	-	-	-	2
Denbyshire,	-	-	-	-	-	2
Flintshire,	-	-	-	-	-	2
Glamorganshire and Town,	-	-	-	-	-	3
U 2						Merioneth-

Merionethshire, - - - - -	1
Montgomeryshire, - - - - -	2
Pembrokeshire, - - - - -	3
Radnorshire, - - - - -	2

388*

—That the distribution for Scotland, and for Ireland, be reserved for the future consideration of the Protector and Council, before issuing writs for the next Parliament:—

—That the writs shall be issued under the great seal of England, and directed to the several sheriffs, with instructions by the Protector and Council, and sent to the Chancellor and Commissioners of the Great Seal, under the Protector's warrant; but if such writs shall not be issued before the 1st day of June; or for the triennial Parliaments, before the first day of August, in every third year; then the Chancellor and Commissioners of the Great Seal shall issue such writs, without warrant, and direct them to the sheriffs of England, Scotland, and Ireland; and that, within

* *Note.*—It would appear from this document, that the members amounted only to 388.—Parliamentary History, 1651—1656, page 248.

within seven days after the first of August, in every year :—

—That the sheriffs, within ten days after the receipt of the writs, shall proclaim the same, in the principal towns, between the hours of twelve and three o'clock, specifying the day and month for the election, to be five weeks after the date of the writ ; and to appoint the place, most convenient for the county to meet :—

That he shall, also, issue precepts, for the cities or towns, to the mayors, or head officers, within three days after the receipt of such writ, who are required to make publication, and to fix the day of election :—

—That the Sheriffs, Mayors, &c. shall make their return, into the Chancery, within twenty days after the elections, signed and sealed by them, and by the electors, specifying, that the members shall not have power to change the form of the government, as settled on the Protector and Parliament :—

—That the Sheriffs or others, making a false return, shall incur the penalty of two thousand marks, English money :—

—That all persons, who have advised, or made war against the Parliament, since the 1st January, 1641 (unless they have given proof of their

their attachment to Parliament, since that time) shall be disqualified from being electors, or elected :—

—That all persons, who have advised or assisted in the rebellion in Ireland, or who profess the Roman Catholic religion, shall, in like manner, be disqualified :—

—That all votes, given contrary to these regulations, shall subject the person to a forfeiture of one year's full value of his real estate, and one third part of his personal estate :—

—That the persons elected shall be of the age of twenty-one years, and of good character :—

—That all persons possessed of an estate, real or personal, of two hundred pounds a year, and not coming under the preceding exceptions, may be elected members for counties :—

—That the Chancellor, Keeper, or Commissioners of the Great Seal, at entering on their offices, be sworn to issue such writs truly ; and for the neglect or failure of their duty, be declared guilty of high treason :—

—That, in case of such neglect, Parliament shall, fifteen days after the time, assemble at the fixed time and place ; and within thirty days, after the expiration of the fifteen, cause persons to be chosen for the places not having sent returns, by
issuing

issuing a writ, under the great Seal; and if the Sheriffs neglect the discharge of their duty, they shall be declared guilty of high treason:—

—That the Clerk of the Commonwealth, in Chancery, and his successors, to whom returns shall be made, for the next and two succeeding triennial Parliaments, shall, on the next day after receiving a return, send the same to the Council, who are to examine, whether the persons elected have the requisite qualifications; and if the majority of the Council certify, accordingly, that then the person be admitted to a seat in Parliament:—

—That sixty members of Parliament be sufficient to form a House, which, with the Protector, shall be declared to have vested in them, the legislative power:—

—That the Protector and Council may, in cases, where the necessities of the State require it, summon Parliaments, in the manner before specified, but without power to adjourn them, for three months, without their consent; and in case of any foreign wars, Parliament shall be forthwith summoned, to give their advice:—

—That all bills be presented to the Protector, for his consent, which, if not given, within twenty days, or satisfactory reasons why he has not consented, such bills shall pass into laws; provided

vided they contain nothing contrary to these instruments.—

—That the Council shall consist of fifteen, whose names are specified, any seven of whom shall be competent to act; and in the event of a death or removal, Parliament shall make up a list of six, three of whom shall be selected by the Council, from which the Protector shall chuse one; and if Parliament, within twenty days after notice given, do not nominate, then the Council shall give a list of three to the Protector, from which he shall select one; but during the vacancy the remaining members of Council to have full powers to act:—

—In cases, where a member of Council may be accused of miscarriage or corruption, Parliament to elect seven of their number, and the Council six, who, with the Chancellor and Keeper, or Commissioners of the Great Seal, shall have power to hear and determine on the case, and award punishment, without power in the Protector, to grant pardon:—

—The Protector and the majority of the Council, during the recess of Parliament, to have power to suspend any number, accused of such miscarriage or corruption, till the meeting of Parliament:—

—That

—That the Protector and Council may add, whom they chose, to the Council, provided the number do not exceed twenty-one:—

—That a yearly revenue shall be raised and established, for maintaining ten thousand horse and twenty thousand foot, and a suitable navy; and that £.2,000, annually, be granted, for defraying the charges of administering justice; and such revenue to be from the customs, or other ways and means, as shall be agreed on by the Protector and Council; and this revenue not to be altered, but by the consent of the Protector and Parliament, and to be paid into the public treasury, and issued out for these purposes:—

—That in case a lesser force be found sufficient, that then the savings be lodged in the Bank, and not applied to any other use, except by consent of Parliament, if sitting; and during the recess, by order of the Protector and his Council; and the extraordinary powers, already specified, as given to the Protector and his Council, to be exercised to levy money, in cases of public emergency:—

—That the lands, jurisdictions, hereditaments, &c. belonging to the Commonwealth, not already disposed of by act of Parliament (reserving however the forests, honors, and manors,

X

belonging

belonging to the lands of the rebels, in four countries in Ireland, those of rebels in Scotland, and of papists and delinquents in England, not yet compounded for, that is, for the re-purchase of which by the proprietors, Cromwell and his Council as yet had not received their contributions) shall be vested in the Protector and his successors, and not be alienated, without consent of Parliament; and that all debts, fines, &c. due to the Keepers of the Liberties of England, shall be declared applicable to the use of the Protector, and payable into his public receipt:—

—That the office of Protector shall be for life; and in the event of his death, the Council to elect a successor, any thirteen of whom immediately to declare the person elected, and to proclaim him, with the usual solemnities, without any exception, unless of the descendants of the late King, and his family; and that Oliver Cromwell be declared by the Council, Protector, during his life:—

—That the Chancellor, Keeper of the Great Seals, Treasurers, and Governors of Ireland and of Scotland, and the Chief Justices, shall be chosen by the approbation of Parliament, and during the recess, by the Protector and his Council, for the approbation of Parliament:—

—That

—That the Christian Religion, as contained in the Scriptures, be recommended, as the public profession of these nations; and a provision, less subject to scruples, and more certain, be made for the teachers of the people, and for discovery of heresies:—

—That the present provision for such teachers to remain, till another be made; and that no person be compelled by penalties, to this public profession: nonconformists to which to be protected in the exercise of their religion, provided they do not disturb the public peace; but this protection not to extend to Popery or Prelacy, or to those who practice licentiousness; and all statutes, contrary to this purpose, to be void and null:—

—That the acts of Parliament, for sale of the property of the Royal Family, Bishops, and Deans and Chapters, lands of delinquents, and forest lands, belonging to the Commonwealth, shall not be declared invalid, upon any pretence whatever:—

—That all treaties made with the enemy, and afterwards confirmed by Parliament, shall be deemed binding; but that all appeals for relief, concerning bills of sale of delinquent's estates, shall be determined by the next Parliament:—

—Tha

—That the Protector and his successor shall, in presence of the Council, and of such as the Council shall call in to assist them, take a solemn oath to administer, according to this instrument, for the public peace, and according to law, statutes, and customs; and that the members of Council take a like oath of fidelity, particularly in the choice of a Protector, without regard to any promise, fear, favour, or reward.

The oath taken by the Protector, proceeds upon the declaration of incapacity by the former, or Barebone's Parliament, to administer public affairs, expressed in a resolution, signed by all its members, and therefore, on the necessity of establishing the government, on a basis that shall be certain and fixed; that he will administer, according to the preceding constitution, and in all other things for the benefit and advantage of the nation, in causing justice and law to be executed.

This oath was taken before the Commissioners of the Great Seal, and a similar oath was taken by the Lord Mayor and Aldermen of London, the Judges, the Officers of the State, and army*, &c.

Whoever attentively peruses this system, as the result of all the fatal theories, which had over-
set

* Appendix, No. XXVI. p. clxxvi.

set the government of England, and compares it with the subjects which the factions made to the prerogatives of the Crown, during the reigns of James and Charles, the disputes respecting ecclesiastical establishments, civil privileges, and forms of government, will perceive, that all the evils, of which these *reformers* had complained, are here under different names, re-established, with double effrontery, and placed under severities more intolerant and stronger.

1. The power and authority vested in the Protector and his Council exceeded, in measure, the prerogatives, which at any time had been claimed by the Crown. He was declared the judge, and he and his Council were to decide, not Parliament, whether elections were made of proper persons. He and his Council were vested with a large sum to support a standing army; and if it should appear to them, that the number of this army could be lessened at any time, the money was not to be applied to other purposes, but by consent of Parliament if it was fitting; but if not fitting, then by himself and his Council, who were to apply it, without responsibility. He and his Council, and his Officers of State were to be the majority of a Commission, for trying themselves, for mismanagement or corruption, and punishing any individual; but without power of
pardon

pardon in the Protector, that he might divide the odium with his Council. He and his Council were also to have the power of either keeping the number at thirteen, or filling it up to twenty-one, and thus controuling it in its decisions, or modelling it at his pleasure.

2. The power and authority, vested in the Protector and his Council, was not less absolute in matters of revenue than it was in the constitution of Parliament; for notwithstanding all the precautions taken, about issuing writs, making returns, &c. the number of four hundred was not filled up, and the power of judging of those filled, was vested in the Council: a large sum was appropriated to the army and navy; but a discretionary power left with the Protector, in case of emergency, to levy a greater.

3. All the Crown lands, rights, &c. seized and taken from the late King, the Bishops, and Chapters, were placed, under the pretext of belonging to the *Commonwealth*, or *Nation*, at the disposal of the Parliament; except such, as had already been unjustly wrested from the King; but all lands forfeited, or that might be forfeited, in the three kingdoms, and all the sums levied from the owners, compelled to redeem their own property, under the head of *compounding*, were vested in the Protector, at his, and the disposal of the Parliament

liament; but all the royal forests, hereditaments, &c. were vested in himself and in his successors in the Protectorate *.

4. The established religion of the kingdom was overturned, its adherents declared to be excluded from privileges, in the same manner as the Catholics, and in its place was substituted a general tolerance and protection to all the sectaries professing the Christian Religion, and a provision to be made for the teachers, provided they did not disturb the public peace; but who these teachers were to be, whether Puritans, Presbyterians, Independents, or any of the indiscript sectaries, which, at that time, distracted the public mind, is not said; so that by this regulation, the Protector and his Council had it in their power to reward such teachers only, as were active, in carrying the opinion of the people to support their power, not such as decided according to the moral tenets inculcated by the religion which they professed to promulgate; and, at the same time, he had the power, under pretence, if these teachers were not acting for the public good, to deprive them of the provision they

* *Note*, In the four folio volumes, entitled *Usurper's Council Book*, not one meeting of Council occurs, in which the sums exacted from individuals, for redeeming their lands, and other property, do not exhibit proofs of the oppression and tyranny, which these *Reformers* and *Upholders of the Liberties of England*, exercised over the defenceless subjects of the realm.

they might have received, or to punish them, according to any rule, which he and his Council might devise.

In all these views, therefore, this memorable constitution proves, that the greatest of all tyrants are those, who under the pretext of rendering a people more free, bring them into subjection to the despotism, which they have been the instruments of establishing; and that whenever a nation have the misfortune to prefer specious and apparently better systems to the government established by the wisdom of their ancestors, instead of improving upon that system, by laws arising out of its spirit, they must become, first, dupes to their own vague nonsense, and then slaves to their ambitious and designing leaders.

Though Cromwell had reached the elevation, for which all his crimes had been committed, he soon discovered, that the different sects which had been contending for a share in the authority, were discontented with that portion of power which each had acquired; and that all men felt, the authority had been conferred on their new rulers, by men who had no right to give it. The Royalists considered this system, as a fatal blow to the restoration of the legal monarch; the Presbyterians, who had great influence in the Church, detested the ascendancy given to the Independents; and

and what heightened their aversion, was, the Protector having conferred upon his immediate dependents all the lucrative offices. To this sect, however, knowing their influence in the election for the approaching Parliament, he paid the greatest attention*; but what particularly disgusted it, was the abolishing of the general assembly of the Kirk of Scotland, in which country, he knew it would be impossible to command obedience, while the influence of the clergy remained †.

As the instrument of government had required the Parliament to meet on the 3d September, 1654, the writs were accordingly issued, attended with a strict order, that no persons, or their sons, should be elected, who had borne arms in the late King's service ‡; and that the number of the representatives should be proportioned to the number of inhabitants, in the counties and boroughs.

Though such were the public measures of Cromwell, with respect to England, it appears
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from

* Rapin, Vol. II. p. 591.—Clarendon, Vol. III. p. 363.

† Ibid.

‡ Clarendon, Vol. III. p. 386.—Whitlocke, p. 591.—Parliamentary History, 1651—1656, p. 291.

from his council books, that immediately after publishing the instrument of government, he formed a plan for commanding an union with Scotland, and for admitting thirty representatives of that country.

On the 20th January, 1653-4, an ordinance was read in Council, for the first and second time, and committed, for the purpose of filling up the clauses, in the act for uniting that kingdom with England*; and on the 23d, certain alterations, which had been suggested by the Committee, were reported by Major General Lambert, agreed to, and ordered to be presented to the Protector, as the advice of his Council †.

On the 2d February, the subject was debated in the Council, clause by clause, and that which regarded the mottos omitted ‡.

On the 12th of April, the ordinance was read a third time, the blanks filled up, and passed by the Protector and his Council.

The substance of the ordinance is as follows:

—That in order to put an end to the unhappy wars which had subsisted in this island, Parliament

* Appendix, No. XXVII. p. cciii.

† Ibid.

‡ Ibid.

ment had sent Commissioners into Scotland, in 1651, to invite that nation to an union, at which time the Deputies of Shires and Towns had met at Dalkeith, and afterwards at Edinburgh, and accepted the said project of an union. That on the basis of this acceptance, the Protector and the Council had declared the union to be fixed, between England, Scotland, and Ireland, and the dominions thereto belonging; Scotland and Ireland therefore, were declared to be incorporated with the Commonwealth of England; and thirty persons were to be chosen to represent Scotland; and the people discharged of all fealty and allegiance to the descendants of the late King, Charles, or any claiming under his title:—That the kingly government, as well as that of the Parliament of Scotland, be, for ever, abolished:—That the arms of Scotland be borne, in common with those of the Commonwealth of England, as a badge of this union; and all the seals of the bodies corporate, in Scotland, carry the seal of the union:—That all goods, carried from England into Scotland, or from Scotland into England, be duty free; but that goods prohibited in England, be also prohibited in Scotland;—That all rates and duties be proportionably levied on all the inhabitants in the Commonwealth:—That all servitude, or vassallage, or dominion of tenures, or

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superiorities,

superiorities, be abolished in Scotland:—That all superiorities, lordships, jurisdictions, &c. be likewise abolished, and parties discharged from appearing in such courts; that all military attendance on lords or superiors, and all casualties, formerly held of the King, or other superiors, be annulled; and finally, that all forfeitures, escheats, &c. which fell to the King, lords of regalities, or other superiors, be, henceforth, forfeited to the Lord Protector, for the time being *.

On the 22d of April, an order of Council passed, directing, that the ordinance of pardon† and grace to the people of Scotland—the ordinance for uniting ‡ Scotland in one Commonwealth with England, and the ordinance for erecting courts § baron in Scotland, be sent to the Commander in Chief, in that country, with instructions to see that the same be published in the different shires.

On the 2d of June, General Lambert reported to the Council, the divisions of the shires of Scotland, to be represented by twenty persons;
and

* Appendix, No. XXVII. p. cciii.

† Scobell, p. 288.

‡ Ibid. p. 293.

§ Ibid. p. 295.

and also, the divisions of the boroughs, to be represented by ten persons ; with the places of meeting, for the elections of both descriptions, as follows :

For the Shires of	- Orkney, - -	}	I
	- Shetland, - -		
	- Caithness, - -		
- - - - -	- Sutherland, - -	}	I
	- Ross, - -		
	- Cromarty, - -		
- - - - -	- Inverness, - -		I
- - - - -	- Elgin, - -	}	I
	- Nairn, - -		
- - - - -	- Banff, - -		I
- - - - -	- Aberdeen, - -		I
- - - - -	- Kincardine, - -	}	I
	- Forfar, - -		
- - - - -	- Fife, - -	}	I
	- Kinross, - -		
- - - - -	- Perth, - -		I
- - - - -	- Linlithgow, - -	}	I
	- Stirling, - -		
	- Clackmannan, - -		
- - - - -	- Dumbarton, - -	}	I
	- Argyle, - -		
	- Bute, - -		
- - - - -	- Ayr, - -	}	I
	- Renfrew, - -		
- - - - -	- Lanark, - -		I

For

For the Shires of -	Mid Lothian	1
— — — — —	Berwick - -	1
— — — — —	Roxburgh -	1
— — — — —	Selkirk - -	} 1
	Peebles - -	
— — — — —	Dumfries - -	1
— — — — —	Wigtown - -	1
— — — — —	East Lothian	1

 20

For the Boroughs of	Dornoch -	} 1
	Tain - - -	
	Inverness - -	
	Dingwall - -	
	Nairn - - -	
	Elgin - - -	
	Forres - - -	} 1
— — — — —	Banff - - -	
	Cullen - - -	
	Aberdeen -	} 1
— — — — —	Forfar - - -	
	Dundee - - -	
	Arbroath - -	
	Montrose - -	
	Brechin - - -	} 1
— — — — —	Linlithgow -	
	Queensferry	
	Perth - - -	
	Culrofs - - -	
	Stirling - - -	

For

For the Boroughs of	St. Andrews	-	}	1
	Dyfart	- -		
	Kircaldie	-		
	Cupar	- -		
	Anstruther East			
	Pittenweem	-		
	Crail	- - -		
	Dumfermlin	-		
	Anstruther	-		
	Inverkeithing			
	Kilrenny	-		
	Burnt-Island	-		
	Kinghorn	-		
-----	Edinburgh	-	}	2
-----	Lanark	- -		
	Glasgow	- -		
	Rutherglen	-		
	Rothsay	- -		
	Renfrew	- -		
	Ayr	- - -		
	Irvine	- -		
	Dumbarton	-		
-----	Dumfries	-		
	Sanquhar	- -		
	Lochmaben	-		
	Annan	- -		
	Wigtown	-		
	Kircudbright			
	Whitehorn	-	}	
	Galloway	- -		

or

For the Boroughs of	Peebles	-	-	}	1 10 — 30 —
	Selkirk	-	-		
	Jedburgh	-	-		
	Lauder	-	-		
	North-Berwick	-	-		
	Dunbar	-	-		
	Haddington	-	-		

This proportion, for the shires and boroughs of Scotland, being confirmed, the form of writs for elections was read, and committed in the Council on the 2d of June; and on the 29th, a letter wrote to General Monk, the Commander in Chief in Scotland, or in his absence, to the Commissioners for the Administration of Justice, directing them to send off the writs, to the different places, for the purpose of holding the elections.

It does not appear, however, till the following year, that a Council for Scotland was appointed; when nine persons, of whom General Monk was the chief, were nominated to discharge that duty*.

It would appear, that on the same day, 2d June, 1654, Major General Lambert reported to the Council, the plan for extending this union to Ireland, and for electing thirty persons, for that country,

* Appendix, No. XXVII. p. cciii. — Parliamentary History, 1651—1656, p. 297.

country, to serve in the ensuing Parliament of the Commonwealth. In the same manner as in Scotland, a new division of the provinces and counties was established, in the following manner :

Counties of	- -	Meath	- -	}	2
		Louth	- -		
		Kildare	- -	}	2
		Wicklow	- -		
City of	- - - -	Dublin	- -		2
Counties of	- -	Carlow	- -	}	2
		Wexford	- -		
		Kilkenny	- -		
		Queen's County	- -		
- - - - -	- -	Westmeath	- -	}	2
		Longford	- -		
		King's County	- -		
- - - - -	- -	Down	- -	}	2
		Antrim	- -		
		Armagh	- -		
Towns of	- -	Carrickfergus	- -	}	1
		Belfast	- -		
- - - - -	- -	Derry	- -	}	2
Counties of	- -	Donegal	- -		
		Tyrone	- -		
Towns of	- - -	Derry	- -	}	1
		Colraine	- -		
Counties of	- -	Cavan	- -	}	1
		Fermanagh	- -		
		Monaghan	- -		

Z

Counties

Counties of	-	-	Kerry	-	-	}	2
			Limerick	-	-		
			Clare	-	-		
City of	-	-	Limerick	-	-	}	1
			Killmallock	-	-		
County of	-	-	Cork	-	-	}	1
Towns of	-	-	Cork	-	-		
			Youghall	-	-	}	1
— — — — —			Bandon	-	-		
			Kinfale	-	-		
Counties of	-	-	Tipperary	-	-	}	2
			Waterford	-	-		
Cities of	-	-	Waterford	-	-	}	1
			Clonmell	-	-		
Counties of	-	-	Sligo	-	-	}	2
			Roscommon	-	-		
			Leitrim	-	-		
— — — — —			Galway	-	-	}	2*
			Mayo	-	-		
							30

Though this proportion was settled, for Ireland, it would appear that some difficulties had arisen in the Council, respecting a new assessment for that country, which was postponed till the Protector's pleasure could be further known. On the 21st of the month, however, the forms of the writs for Ireland was committed in the Council; and on the 29th, a letter was written to the Commissioners for managing the Affairs of Ireland

* Appendix, No. XXVII. p. cciii.

land, directing them to send the lists to the Sheriffs, agreeably to the directions given, accompanied with copies of the instrument of government, establishing the Commonwealth of England, Scotland, and Ireland, which were ordered to be read at the time of proclaiming the writs.

The pleasure of the Protector was signified, in his instructions to *Fleetwood*, his Deputy, for the management of that country, which were to continue in force for three years, of which the following is the substance :—That he had nominated and appointed six persons, to assist him as his deputy in the dominion of Ireland, and to his Council, by the advice of which he was to act :—That they were to endeavour to promulgate the true religion, by causing salaries to be paid out of the public revenue to the teachers of it ; and to give encouragement to persons employed in instructing the youth :—That he and his Council were to have power to commit to prison all persons, disturbing the public peace ; and to send into England, or such place as they might think most fit, all persons, whom they might think dangerous to the state ; but to permit them to return, upon seeing just cause for such indulgence :—That, for the maintenance of justice, the laws of England were to be put in force in Ireland ; and the courts of law and of equity, which had been discontinued during the

late war, were to be re-established, but with power to take away, or continue any court of judicature, and to issue commission for new courts to act in obedience to the present government, until further instructions shall be sent:—These courts to act under the new seals and forms, as are already settled, or to be settled, by Cromwell; and in future:—That the Deputy and Council were to have power to remove all magistrates, governors, &c. except those afterwards mentioned, who were to be in the Protector's immediate disposal, or to suspend them from their functions, on signifying the reasons to the Protector:—That all Papists be excluded from offices, or from practising as counsellors at law, or from being teachers of youth:—That this Council, in particular, was to levy the revenue, and fix the time of payments for all debts due to the Crown, in the year 1638, or to the Commonwealth, since the year 1640, whether by forfeitures, confiscations, excise, customs, or otherways; and to transmit a just account of the same, and that annually; and to add such measures, as they may think expedient, for the better administration thereof, to the end that the arrears may be recovered for the state; and in particular, to send an account of what the Commissioners for Ireland have done, since the 2^d of June, 1653, in making up of
surveys

surveys of the property of the Crown and Church ;
 and to complete such surveys, with those of forests
 and forfeited lands, which remain undisposed of
 by Parliament, or in its recess, by the Protector
 and Council :—That a particular account is to be
 rendered of the estates of delinquents, Papists,
 and Churchmen, and all acts and regulations of
 Council put in force against them, as well as for
 recovering the duties of customs and excise :—
 That the Deputy and his Council shall let all
 lands, houses, &c. belonging to the Common-
 wealth, for a term, not exceeding seven years, at a
 rent, not less than they yielded in 1640, or six years
 before that period ; and to cause to be collected
 the rents, as well of these lands, as of the benefices
 of ejected delinquents, and also of all vacant be-
 nefices :—That they were to inform themselves of
 the manner, in which the treasury of that country
 has hitherto been managed, and of the sums re-
 ceived and issued ; and to give their opinion, re-
 specting the establishment of a grand treasury in
 Ireland, with a list of the persons who ought to be
 entrusted with the management of it :—mean time,
 to appoint proper officers, as collectors of the same,
 with suitable salaries :—That they were to cause
 assessments to be made and collected, from all the
 estates of the people of Ireland, to be applied for
 payment

payment of the army and garrisons, and other public charges of the Commonwealth, in Ireland; the collectors of which to have suitable salaries :— That the Deputy, by his own warrant, was to have power to charge the treasury, for payment of the army, either in money or in provisions, and to issue ammunition from the magazines; but all other warrants to be by the advice of his Council :— That the Deputy and his Council were to have power to reduce the forces into fewer regiments, to regulate their pay, and to lessen the number of castles or garrisons, as the condition of affairs might admit :—That they were to put in force all acts and ordinances, and issue proclamations against offenders, counterfeiting the coin :—That they were to give particular directions, for preserving the forests of the Commonwealth, and to certify to the Protector, the quantity of timber which may be cut, and sent to the sea ports, for the use of the navy :—That they were to put in force all the orders, given by the Commander in Chief, and particularly, the acts and ordinances, for payment of arrears due to the army, and due for the encouragement of the Protestants, since the year 1653; and to exercise a dispensing power, after proclamation, in transporting the inhabitants of the counties of Connaught and of Clare, to such places

places, as they may think expedient :—That they might grant such salaries to Judges, Commissioners, and other persons, as they may think expedient, for putting these instructions into execution ; administering to them such oath, as they may think expedient :—That the Deputy was to have the power of disposing of all temporal offices, except those of Presidents of Provinces, Chancellor, Treasurer, Under-Treasurer, Master of Ordnance, Chief Justice and Justices of the Bench, Chief Justice and Justices of the Common Pleas, Chief Baron of Exchequer, Master of the Rolls, Serjeant at Law, and Attorney and Solicitor General, Treasurer at War, Marshall, and Clerk of the Cheque ; which offices were to be at the disposal of the Protector : And, finally, that they were to render to the Protector, and to his Council, regular notice of their proceedings :—In the event of the death of the Deputy, the Council, or any five of them, might execute these orders, as fully as the Deputy and Council were empowered to do*.

These instructions explain, very fully, the state of Ireland at this juncture. Ormond, because a Protestant, had been obliged to retire, and

* Appendix, No. XXVIII. p. ccxxi.

and Clanricard, though a Catholic, was rejected, because he had been appointed by a Protestant. The Duke of Loraine, whom the Catholics had invited to the Government, refused to accept of it; and from this bigotry of the Catholics, an opportunity was given to Cromwell, to send Fleetwood, under the instructions which have been detailed, to administer the Government of that turbulent People*.

Though Scotland was subdued, the people were not less discontented than the Irish; but being without arms and with scanty resources, the royal party were in a great measure confined to the inaccessible Highlands, and at last obliged, with the King's consent, to disperse. The discontented however still continued; for when Cromwell dissolved the General Assembly of the Kirk, he deprived the people of their covenant, to which they had been so zealously attached.

Under such circumstances, the three kingdoms, though arbitrarily erected into one Commonwealth, sent members to a new General Parliament, by no means disposed to support the usurped authority of a self-created Protector. Probably, from a kind of superstition of good fortune,

on

* Rapin, Vol. II. p. 995.—Whitlocke, p. 593.

on the 3d of September, the day on which he had gained his greatest victories, he met this Parliament at Westminster; and in a speech of great length enumerated his services to the nation, and informed this Assembly, that what he valued himself most on, was his bringing together and meeting a free Parliament, agreeably to the wishes of the English nation.

Lenthall, who had been Speaker to the Long Parliament, was placed in the Chair; but so little disposed was this assembly to second the Protector's views, that the very first subject of discussion, was an examination of the authority by which they had been convoked, which not a few maintained was imaginary and illegal.

The officers and adherents of Cromwell, who were members, had no other means of averting a decision which would have been fatal to the Protector's plan, but long speeches and adjournments.

Irritated at this disappointment, he summoned them before him in the Painted Chamber; told them with anger that the subject of their debate, in calling the established government in question, from which they, as well as himself had derived their authority, was indecent; but instead of leaving them to profit by the rebuke, he resorted to his usual convincing argu-

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ment, of placing a military guard at the door of the House, ordering admittance to be refused to all who would not take an oath of fidelity to the Protector and Commonwealth, and bind themselves not to consent to any alteration of the established government. Many refused to sign and were excluded: many who did sign, took their seats only to renew the discussion; so that Cromwell found it necessary to dissolve a Parliament, which though it sat five months had not sent up one bill to him; and got rid of the difficulty in the instrument of government, by which he had bound himself, not to dissolve a Parliament till it had sat five months, by the subterfuge, that a month, strictly speaking, consisted of only twenty-eight days.*

In this manner therefore terminated, for a time, the projected union of the three kingdoms by a Parliament composed of members from each, to represent them as a Commonwealth; and Cromwell, who well knew the temper of what we may term his subjects, endeavoured to divert them by foreign wars and conquests, from attention,

* Clarendon, Vol. III. p. 389.—Whitlocke, p. 605, 618.—Rapin, Vol. II. p. 593.—Hume, Vol. VII. p. 242.—Parliamentary History, 1651—1656, p. 348.

tion to his usurped authority. In the mean time, he conciliated the army, the real source of his power and the only effectual instrument by which he could maintain it. In 1656, though the Protector had suppressed the several conspiracies which had been formed against him, he became fully sensible, that the nation felt he had no legal authority by which he could try or condemn those, who acted against the Commonwealth; and calculating upon the popularity which he had obtained by his success in war, and on the internal tranquillity of the kingdom, the result of his vigilance and vigour, he determined to call a new Parliament, with the object of having his authority recognized by a name, which, he was fully sensible, could alone give it the aspect of being legal.

For this purpose, in the month of September, he summoned a Parliament to meet him, and previously took every possible measure, that returns should be made of members favourable to his views. If we may judge from the previous conduct of the persons, whose names are to be found in the returns, he had reason to think, that he would have met with a decided support. The majority of the members for England were men, who had distinguished themselves in the civil

wars against the King. The majority for Scotland and for Ireland were officers, upon whom he had been accustomed to rely *.

In his expectations of support in this Parliament he found himself disappointed. Reflecting perhaps on his own conduct, during the legal Parliaments, of which he had been a member, in voting the deposition of the King and the abolition of the House of Peers, it is paradoxical, that a mind so strong and well framed as Cromwell's should not have known, that Englishmen, however chosen, would when they came to act, return to better notions of duty, and of what had been held to be the legislature of their country.

The temptation however of having his authority recognized by Parliament, superseded these reflections; and as the 17th of September, the day for the meeting of Parliament, approached, he took measures, for compelling the members to sign an obligation, promising to do nothing against the established government †. One hundred or more of the members refused this test, and were excluded from the House. Having obtained the command of the remainder, an act passed declar-
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* Appendix, No. XXIX. p. ccxxxiii.

† Parliamentary History, 1651—1656, page 382.

ing the title of Charles Stuart, as King, to be void, which was signed by all the members present; and was followed by an act declaring it high treason to attempt any thing against the life of the Protector. These acts were followed by grants of money, for the maintenance of the civil and military establishments, and for the prosecution of the war against Spain; and afterwards a general act* passed, recognizing a number of ordinances of Council, and among others, the ordinance of 1654, entitled, "An Ordinance for uniting Scotland into one Commonwealth with England." †

These compliances of the House were preparatory to a more serious scheme, which the Protector had in view, and for which he had laid down such measures, as he apprehended were calculated to ensure success; *that of having his title as King*, declared and recognized. For this purpose, he had caressed the Presbyterians, by insinuating, that his sentiments had now become nearly the same with theirs; by attentions to the nobility he endeavoured to gain them over; and by a degree of

* Clarendon, Vol. III. p. 460.—Scobell's Collections of Treaties, p. 371.—Whitelocke.

† Scobell, p. 389.—Parliamentary History, 1651.—1656, p. 372.

of lenity to the Royalists to soften their abhorrences.

At last an Alderman and one of the members of the city of London proposed, that the Protector might be invested with the title of King! Some of Cromwell's friends supported the measure, as agreeable to him, and his enemies recommended it, as the best method of ruining him.

This scheme, Fleetwood and some of his immediate connexions perceived, and opposed the measure; but it was carried by a majority, and a committee appointed, to attend the Protector with the offer of the Crown of England!

Cromwell however on better consideration, found it would be dangerous to assume the title of King, and rejected it*.

In order, however, to sanction his government with the appearance of being legal, the humble petition and advice was presented to him, containing, among other articles, a request, that he would name a person to succeed him, and that he would call a Parliament annually consisting of two Houses†.

On

* Clarendon, Vol. III. p. 463.—Rapin, Vol. II. p. 596.
—Hume, Vol. VII. p. 272.

† Scobell, p. 378, has preserved a copy of this Petition.

On the 26th June, Cromwell took an oath for his inauguration, as Protector of the Commonwealth, and thus obtained what he had so long desired, the authority of Parliament establishing his power. This done, the House adjourned to the 20th January, 1657-8.*

By the second article of the humble petition and address, the Protector had bound himself to call an annual Parliament, consisting of two Houses, to meet at Westminster, on the 20th January†, and issued a summons at the same time to the principal officers and members in the three Kingdoms, requiring their attendance to give council and advice.‡

Though he admitted the excluded members, the conspiracies against him multiplied; and partly from the agitation of mind which these excited, and partly from domestic calamities, he died on the 3d September, the day which he had ever considered as the fortunate one of his life, and
which

* Whitlocke, p. 662.—Ludlow, Tom. II. p. 592.—Clarendon, Vol. III. p. 468.

† Whitlocke, p. 666.—Clarendon, Vol. III. p. 472.—Rapin, Vol. II. p. 588.

‡ Appendix, No. XXX. p. ccxliv.—The original parchment is preserved in the British Museum, or the Summons sent to Richard Cromwell, then Governor of Ireland.

which, in this case, in all probability was truly so, as delivering him from the degradation and perhaps punishment to which his public crimes would have subjected him.

Richard his son, was declared Protector, but all the factions, which his father had managed with so much dexterity, were now opening their minds to a revolution, in which each hoped for its own elevation.

Richard however called a Parliament; but by attempting to control his Council and to reduce the army to submission, and from possessing none of the talents or vigour of his father, the fabrick of the Commonwealth broke to pieces, and the King and legal government were restored.

Such was the termination of the union of the three kingdoms, projected and enforced by Cromwell; proving, that however beneficial it may be to the British Isles to be connected in strict union, as one great government, acting for common defence in war or in peace, such an union cannot arise but out of that constitution itself, and out of those laws which equally secure the Monarch on his throne, the Estates of Parliament in their privileges, and the Subjects in their lives and properties.

IV.—*Events which again brought forward the Plan of an Union, between England and Scotland, soon after the Restoration of Charles II. with the Causes which, during that factious Period, prevented its Adoption.*

The restoration of the established government of the kingdoms is one of those memorable events, which strongly mark the moral characters of the human mind, and the good sense of the English nation.

The fortunate contingencies of the death of the Usurper and of the incapacity of his son to perpetuate the system of which the foundations had been recently laid, allowed all parties to take a calm retrospect of their errors and crimes, and this retrospect necessarily terminated in zeal to restore the liberties of their country.

The first meetings of Charles with the remains of the legal Parliament, discover not less the anxieties of the King, to acquire and to deserve the confidence of his people, than the returning loyalty of the remaining members of the

Legislature to repair the venerable fabric of the constitution transmitted to them by their ancestors.

Though summoned as a convention only, an act passed, recognising the meeting as a Parliament; and to prevent the confusions which would have arisen from the judicial decrees of so many years being overset, they were ratified by law.

The turbulent proceedings of this Parliament, during the civil wars, now rendered it necessary to resort to an election; at the same time it was deemed unwise to put confidence in an army, which however brave and disciplined, had been trained up in sedition and rebellion: the Parliament, therefore was dissolved and the army disbanded.

Though the Act of Indemnity seemed to promise tranquillity, that promise was soon found to be illusory. Factions re-appeared; but they rather rallied in contests for power, than for the opinions which had been the source of so many calamities.

The first event, which roused up the ancient jealousies between the English and the Scottish nations, was the celebrated Act of Navigation. This act, was the true source, first of the treaty for trade, between the two kingdoms, and next of the plan of an union. To understand the true causes of the adoption and rejection of this plan,

we

we must trace them to the contests for privileges of trade between the two countries.

The Act of Navigation provided, " that no " goods shall be imported from the Plantations, " but in English ships ; and it excluded *aliens* from " exercising the occupation of merchants or factors in them." Though this proviso was declared, " not to extend to Scotland," yet this declaration, was not explained, by specifying, " that " *aliens*' duty was not to be laid on any corn, the " growth of Scotland, nor on any salt made in " Scotland, or fish caught and cured by that " people, and imported, directly from Scotland, " in Scottish built ships, whereof the master, and " three-fourths of the mariners were of his Majesty's subjects." This circumstance narrowed, at once, the privileges which the Scots had been tacitly enjoying for a series of years, and which, during the usurpation, when the three kingdoms were under one government, had been understood as a common right to the subjects of all *.

An act passed the following year, for continuing the preceding act, without alterations †. This farther excited the apprehensions of the

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Scots ;

* Statutes at Large, Vol. III. page 184, 12 Charles II. cap. 18.

† Ibid. page 212, 13 Charles II. cap. 14.

Scots; and though measures were taken for introducing order in the Border Counties, a new act was required, to render the intercourse between the two nations more safe *.

The foundations were thus laid for those commercial jealousies, which we shall find operating as one cause, in preventing the union of the kingdoms.

In the Parliament held at Edinburgh, in 1661, a similar act to that of the Navigation Act in England, passed, placing the English precisely in the same situation with regard to Scotland, that the English had done the Scots, with regard to England†; and in 1663, the importations of English goods, into Scotland had been so great, that an act passed, imposing a duty upon English commodities, so imported‡, followed by an act, imposing a duty of customs upon corn, imported from Ireland into Scotland §.

These

* Statutes at Large, Vol. III. page 255, 12 Charles II. cap. 22.

† Scotch Acts of Parliament, Vol. II. page 242—1 Charles II. cap. 44.

‡ Ibid. page 328—3d Session of 1st Parliament, Charles II, cap. 13.

§ Ibid. cap. 14.

These acts of the two Parliaments fully account for the application which was made by the Scots, to have Commissioners nominated in 1666 for adjusting the commercial differences, subsisting between the two nations *.

The Commissioners appear to have met on the 21st of January, 1667, when those for Scotland delivered in a proposal, to the following effect:—

—That they had been authorized by a Commission under the great seal of Scotland, not only to treat and consult, but to determine, in an amicable manner, with the Commissioners for England, concerning the freedom of trade between the two kingdoms:—That the subjects of Scotland, born since the accession of the late King James, have been declared, by the laws of England, *not to be aliens*, but to be entitled to the privileges of the natural born subjects of England:—That for fifty-six years, they had enjoyed these privileges in the colonies and plantations; but that since the 25th of March, in the twelfth year of the King, they had, by some acts passed in the English Parliament, been debarred from the privileges enjoyed by his Majesty's other subjects, their ships not coming under the description of those belonging to the

* De Foe, Edinburgh Edition, 1709, p. 20.

people of England, Ireland, dominion of Wales, and town of Berwick upon Tweed, and therefore exposed to forfeiture :—That in consequence, the goods and commodities of Scotland have, in some instances, been charged with sixteen times more, than goods of the like kind have paid in the counties of Northumberland and Westmorland ; therefore they submitted, that the same freedom and liberty of trade may be continued to them, which they formerly enjoyed, as being a necessary encouragement to the shipping and seamen of Scotland, and not less necessary to prevent their trade from being carried into foreign countries :—They further specified, that the act passed the twelfth year of the King, and ratified in the thirteenth, by an act, entitled, “ an Act for encouraging Shipping and Navigation,” had materially injured the trade of Scotland ; and therefore they desire, first, that Scottish ships, whereof the master and three-fourth parts are Scotchmen, or his Majesty’s subjects, may be allowed the same privileges, as ships belonging to Ireland, Wales, and Berwick, trading to Asia, Africa, or America, do enjoy :—That the natives of Scotland may not be comprehended in the description of those, “ not born within the allegiance of the “ King,” who are excluded from being mer-

“ chants,

“ chants, in these foreign British dependencies :
 —That Scotch ships, navigated by his Majesty’s subjects, may be allowed to bring foreign merchandize into England, under the same restrictions and limitations, as have been in use, since the accession of King James :—That all the privileges granted to the subjects in Ireland, Wales, and town of Berwick, may be extended to the subjects of Scotland ; and that they be declared, not liable to the penalties imposed upon aliens, by the Act of Navigation.

That farther, during the late usurpation, many of the ships, belonging to the subjects of Scotland, had been burned or destroyed, and many ships have been purchased since his Majesty’s return, which were foreign built ; it was therefore expedient, that it be declared, that the lawful prizes taken from the King’s enemies shall be deemed the same, as if built in England or Scotland, or may be deemed British as if they had been built within his Majesty’s dominions : a list of such ships being first given in, by a specified time, to be registered in his Majesty’s books of customs in England, it being understood, that it shall not be lawful for the subjects of Scotland to add to this list any new foreign ships, but to be bound to trade in ships built in Scotland, or in some of the
 dominions

dominions of the King:—That both descriptions of ships shall be navigated by crews, three fourths of which to be his Majesty's subjects:—That the natives of Scotland may be subjected to the same duties in the Plantations, as the natives of Ireland, &c. security being given, that the cargoes shall be brought by such Scotch ships, into the ports of England; except such number as it shall be agreed upon, to pass direct to Scotland, for the purpose of supplying his Majesty's subjects there, with commodities, the produce of the Plantations.*

It appears (from a draft, stating the objections, which the English Commissioners were disposed to make to these demands of the Scottish Commissioners) that it was to be insisted, on the part of England, that the demands of the Scots were for greater privileges, than the English themselves, at this time, actually possessed, from the restraints in trade, under which they had been put, since the treaty of union projected by King James:—That

* Appendix, No. XXXI. p. ccxlviii.—*Note.* De Foe, p. 20, states, that he has given a copy of this paper, from a M.S. given him by Sir Geo. Mackenzie, and inserts this M.S. p. 109 of his Appendix; but the original, signed by order of the Commissioners for Scotland, John Donn, forms this number of the Appendix.

—That many of the articles of trade then prohibited, particularly that in cattle, had since been enjoyed by the Scots:—That the reason of the Irish, &c. enjoying privileges, in common with the English, was their being subjected to the Crown and laws of England:—That the duty imposed on Scotch salt, was necessary to encourage the salt manufactures in England; and therefore the English Commissioners are to give one general answer to the Scotch demands, without entering into particulars, *viz.* that they require from them further information and explanations on their demands.*

This general reply of the English Commissioners, of the 25th of January, produced an explanation from the Scotch Commissioners on the 29th, in which they asserted:—That since the accession of James, they had enjoyed the same privileges of trade as Englishmen, till the passing of the Act of Navigation; and they complained, that since the 25th of March, in the twelfth year of the King, they had been subjected to new restraints, by several acts of the English Parliament, and therefore required a more specific answer, because, without some encouragement being given, the shipping and seamen of Scotland must be disabled

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* Appendix, No. XXXII. p. ccliv.

from continuing their trade,* or gaining the means of subsistence.

The reply of the English Commissioners, on the 1st of February was, that they insisted on having before them, the whole of the demands of the Scotch Commissioners, one article being so dependent on another, that it is impossible to conclude on them separately; and therefore they desire the Scotch Commissioners to point out the particular hardships, to which the trade has been exposed, since passing the Navigation Act, to enable them to judge of each separately, and in connexion.†

This reiterated demand produced a reply, on the 3d of February, in which the Scotch Commissioners assert:—That the Act of Navigation contained provisos, contrary to the privileges enjoyed by the subjects of Scotland, since the accession of James:—That besides this act, subsequent acts had imposed on them a duty, above the value of the goods, particularly that on Scotch cattle, brought into England after the 24th of August; and farther, that sixteen shillings and eight pence on each weigh of Scotch salt, when only
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* Appendix, No. XXXIII. p. cclviii.

† Ibid. No. XXXIV. p. cclx.

one shilling is paid on foreign salt, to which also are to be superadded, the new customs in the ports of Cumberland and Northumberland, amounted to a positive prohibition of the trade in Scottish salt.

In order, further, that the extent of the Scotch demands may be fully explained, they state :—That they demand a repeal of all acts of Parliament imposing restraints on the subjects of Scotland, beyond what are laid upon his Majesty's other subjects by the Act of Navigation, by the Act for encouraging Trade, 15 Charles II. cap. 7. and by the Act imposing a Duty on Scotch Cattle, from 24th of August to the 20th of December, and also the duty laid on fresh, salted, or dried fish; of the duty laid on Scotch linens, by the acts of Tonnage and Poundage, which is one full moiety more than what is specified in the book of rates; and of the 14 Charles II. cap. 7. which prohibits the carrying of hides, tanned or untanned, into Scotland; and also, an explanation of the act, 14 Charles II. cap. 2, which limits the transit of goods, between the two kingdoms, to Berwick and Carlisle :—And they require the removal of the duty of sixteen times more on Scotch salt, than on foreign salt, and the ten shillings per barrel, laid on Scotch beer, by 18 Charles II. cap. 5 :

—They request, finally, that when foreigners are mentioned in any English act, it be declared, that his Majesty's subjects of Scotland are not meant to be comprehended under that description. A specification is then given of the heavy duties laid on horses, wheat, barley, &c. carried from Scotland into Cumberland or Northumberland, a practice not excusable under any colour of law.

These answers conclude with again asserting, that it is impossible to come to any agreement, respecting the freedom of trade between the two nations, till the English Commissioners shall signify their opinion, as to the propriety of removing the restraints laid upon the subjects of Scotland, by the Act of Navigation*.

To this explanation, the English Commissioners declined making a reply, till the 10th March, when, under the hand of their Secretary, they stated:—

That though the two kingdoms owe allegiance to the same sovereign, each has the privilege of making such laws, regarding trade and commerce, as shall appear to itself to be advantageous to the subject:—That the Act of Navigation, or any subsequent acts made in England,
do

* Appendix, No. XXXV. p. cclxiii.

do not trench on any privilege of the Scots, and therefore all the propositions which the English Commissioners can make, must be understood as not founded upon a claim of *right* in the subjects of Scotland, but upon the principle of *prudence*, for strengthening the connexion between the subjects of the two kingdoms, and on the presumption of corresponding privileges being granted to English subjects, trading to Scotland, that may be granted to Scotch subjects, trading to England.

The Commissioners for England did not find, that any such right was claimed, by either party, in the Treaty of Union, signed by the Commissioners during the reign of King James; and have not been able to discover, that any provisions had been made, in any of the acts passed since 1660, which go so far, in restricting the trade of Scotland, as the propositions made by the Parliament of Scotland to the King do in that year:—

That, in regard to the freedom of trade, hinted at as enjoyed by the subjects of Scotland, for fifty-six years, so far is this from having been the fact, that in the Articles of Union, signed in the time of King James, the prohibitions in the ancient laws against sending wool, sheep, sheep-felts, cattle, &c. were confirmed, and this confirmation afterwards explained by the Scots themselves,

selves, as not meant to be a mark of disunion between the two countries, but as matter of *policy* for each ; nor is this custom singular, as each of the Seven United Provinces exercised the like powers of laying restrictions, each for its particular benefit, on the trade of the other:—That the claim of the Scots to have all restrictions on trade annulled, which have been enacted since the accession of King James, would, in fact, be revoking all the privileges, which had been granted to trading companies in England, and at the same time, enforcing the prohibition on the passage of leather, and other commodities, into Scotland ; a circumstance which would manifestly be to its disadvantage :—That if the Acts of Navigation and Trade should be repealed, in so far as regarded the subjects of Scotland, the consequence would be, that the subjects of England would remain under the restrictions contained in the acts, and the subjects of Scotland be free from restrictions of any kind :—

—That, in regard to particular claims, such as freedom for the subjects of Scotland to trade to the English colonies in Asia, Africa, and America, the Scots have already liberty to trade to Tangiers, and are not placed under greater restrictions, in respect to the trade to the East-Indies, to Africa,
and

and to some places in the West-Indies, than the subjects of England are, except the English bodies corporate or companies, which have exclusive privileges, by charter, to trade to these countries :

—That the claim to trade, as English subjects, to the colonies in America, is an unreasonable demand on the part of Scotland, those colonies having been planted, at an immense expence, by English subjects, who, therefore, have a just claim to reap the exclusive benefits of them, as they do belong to the Crown of England only :

—This practice is not solitary, for when Spain and Portugal were united, the Spaniards only were allowed to trade to the West-Indies, and the Portuguese to the East-Indies : the Dutch East and West-India Companies only, not the other subjects of the United States, trade to these distant countries ; so that it would be discouraging the spirit of trade in England, if after establishing distant commerce at a vast expence, others of the King's subjects might come and reap the benefit :

—Nor are the Scots debarred from exercising the business of merchants, or factors, in any of these settlements, any more than the subjects of England are :—

—That compliance with the demand for ships of Scotland to bring foreign merchandize
into

into England, would be a severe blow to the trade and navigation of the Kingdom; and cannot be consented to, because the kingdom of Scotland being independent of that of England, its subjects could not be made answerable to the laws of England, which enforce the regulations in the Act of Navigation:—

—The Act of Navigation, besides, is not new in England, but, under various forms, has appeared in different periods of its history:—
—That the case of Ireland, by no means applied, because Ireland belongs to the Crown of England, and the same laws bind the Irish and English subjects; and besides, laws made by the Parliament of Ireland, first pass the Privy Council of England:—That the orders of the Council, and the great seal of England, have effect in Ireland, and the Treasurer and the other great officers in England, have jurisdiction in it, circumstances which enable England to give them common privileges, because they can be, by law, obliged to observe the restrictions, under which these privileges may be exercised.

That the argument for abolishing the Act of Navigation, in so far as regards Scotland, as being absolutely necessary for keeping up the shipping and seamen in that country, for the King's service,

vice, is answered, by an equal necessity of keeping up the shipping and seamen in England, for the King's service there; and the necessity is still stronger, because the royal navy, which defends the kingdoms, is kept up in England only:— The English seamen besides are equal to the English trade, and the alteration would diminish their number more than it could be augmented by the supply of seamen from Scotland; nor would such an alteration in any degree increase the English duties of customs.

Though these objections to the proposals of the Scotch Commissioners must be adhered to, the English Commissioners made the following offers:—

1. That Scotch ships, navigated agreeably to the Act of Navigation, may import fish and fish oil, of their own taking.

2. That Scotch ships, under the restrictions of the Act of Navigation, may have liberty to import into England, salt (not of Scottish manufacture) pitch, tar, rosin, hemp or flax, raisins, figs, prunes, olive oil, corn or grain, sugar, pot-ashes, wines, vinegar, aqua-vitæ, and brandy, and the produce of Muscovy or Turkey, from the places from which they are now imported, upon paying the same duties as the

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ship-

shipping of these countries do, and that for six years; as also, during the like period, Norway timber, upon paying the same duties the English shipping do*; and after the expiration of that period, upon paying the duties which the shipping of these countries pay, or the duties these goods pay, if imported in any other shipping than those of England.

3. That Scotch ships may export from England, upon paying the same duties as English shipping do. As to the permission for Scotch ships to carry goods from one port in England to another, it is prohibited by an ancient Law of Navigation; and the repeal of all other restrictions would be, to grant more to the Scots than the English enjoy, who in some cases pay aliens' duties.

4. That for the said term of six years, the foreign built ships, which now belong to subjects of Scotland, may be admitted as Scotch ships, provided a true list be given of the vessels which come under this description; but that after that period, no such distinction of ships can be
al-

* *Note.* The reason assigned for granting this indulgence, was, that a great supply of timber was wanted, to rebuild the houses consumed by the great fire in London.

allowed ; and they must either be Scotch built ships, or English built ships, bought by Scotchmen.*

On the 18th, the Scotch Commissioners required farther information, respecting the assertion, “ that the Parliament of Scotland had made “ offers to the King, in 1660, which would “ remove all these difficulties, but that they knew “ of no such offer.”†

On the 1st of April, the English Commissioners replied ;—That they referred to a letter of the Parliament of Scotland, dated 24th of April, 1661, in which it requested his Majesty might be “ pleased to order, that all the forces, “ to be made use of in that Kingdom, may “ consist of natives, and that all others may be “ removed ; ” and this at the very time, when not only a part of his Majesty’s guards were Scotch, and offices, civil, military, and ecclesiastical, held by Scotchmen, without exception, which was a restriction upon Englishmen, greater than that imposed by the Act of Navigation upon Scotchmen ; and farther give the Scotch Commissioners to understand, that the offer made,

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to

* Appendix, No. XXXVI. p. cclxviii.

† Appendix, No. XXXVII. p. cclxxix.

to allow Scotch ships to import timber, for rebuilding of London, was not to be deemed as binding, "unless the whole matter treated of" shall be agreed on by the Commissioners of both "Kingdoms." *

The Scotch Commissioners, at this period of the negociation, appear to have felt themselves treated with indignity, as they made a complaint to the King, who required an account from the English Commissioners, of all the propositions and answers that had passed in the negociation. An abstract was accordingly sent to the King, containing the propositions only, without the supercilious observations which had been made on them; but these last were clearly the source of the complaint †.

It was not, however, till the 28th of May, that the Scotch Commissioners replied to the objections, and explained themselves, on the offers made by the English Commissioners. They set out with observing, that their meaning, in considering the Act of Navigation as depriving them of their privileges, was, that by a decision of the judges of England, solemnly pronounced by Lord Elefmere,

* Appendix, No. XXXVIII. p. cclxxxi.

† Ibid. No. XXXIX. p. cclxxxv.

Ellesmere, the subjects of Scotland, born after the accession of James, were declared not to be *aliens*, but precisely in the same situation as the subjects of England;—That they perfectly admitted England had a right to make what laws it deemed expedient, regarding trade and commerce, and asked for nothing more, than that the subjects of Scotland, born in allegiance to the same King, should be placed in the same condition with the subjects of England, not founding, however, this demand upon the articles of union, agreed on in the time of King James:—

—That they pretended not to know the ancient laws of England, in regard to trade, but know precisely the specification of the articles, prohibited by both parties in the treaty of union 1604-7; and only assert, that the usage has been contrary to these prohibitions, without pretending to have heard of those acts of state, which laid the restrictions on Scotch salt, and on the Baltic trade; and if they existed, knew only, that they were not observed, previously to the act 1660.

The case of the United Provinces, they considered, by no means, to apply, as they are seven distinct sovereignties, not acknowledging any one head, whereas England and Scotland are countries, owing allegiance to the same King:—

That

—That so far from wishing to take away the privileges of incorporated companies, they asked only to be placed under the same commercial privileges with the subjects of Ireland, and instead of wishing to be under less restrictions than the English, desired to be admitted only to the same privileges:—

—That they neither demanded liberty to trade to the East-Indies, nor to the coast of Guinea, but only that Scotch ships may be placed under the same regulations as Irish ships are, by the Act of Navigation:—

—That so far from the case of Spain being applicable, it is the reverse; for though the kingdoms of Aragon and Castile obey different laws, they have the same privileges of trade to all the Spanish dominions, in Europe and America.

That they admitted, many of the Colonies had been settled by the English; but they believed, Barbadoes, and the other Charibee Islands, were rendered settlements by the Earl of Carlisle, who was a Scotchman:—Without, however, founding upon this fact, they can assert, that many hundred of Scotchmen were banished to these Plantations, for their adherence to the Royal cause; and only ask, that goods, the produce of the Plantations, may be allowed to be imported
into

into England by Scotch ships, and that a single exception of such a number of Scotch ships may be made, to enable them to carry such quantities of the produce of the Colonies into Scotland, as may be necessary for the consumption of that country only :—As to the offer of allowing Scotch merchants and factors to be traders in any of the Plantations, it will be of little advantage, if all trade with their country be forbidden :—

That they cannot conceive any blow can be given to the navigation of England, by permitting English merchants to freight Scotch ships, to sail from and return to the port of London; but on the contrary, that this indulgence would encrease the trade of the kingdom, and of course the duties of customs. And that waving any remarks on the connexion between England and Ireland, they only observe, that if security can be had only by the King's subjects, who are under the government and laws of the kingdom of England, then treaties of commerce, of every kind, are impracticable :—

—That the offer of a privilege, in certain articles, for six years, is in fact, taking away the basis, upon which this treaty was begun, which was to establish a permanent commercial connexion; and if the Scots are to be subjected to *aliens'* duties, it is, in fact, prohibiting their trade altogether. —

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That

That if the subjects of Scotland shall import, in any other than ships of that nation, then they ought to be subjected to aliens' duties; but they only desire, not to be deemed *aliens*, and a privilege to be extended to the ships actually allowed to be in their possession, of which a list shall be forthwith produced:—They ask, in fine, to be considered as the King's subjects:—

—That if the shipping of England amount to three times the tonnage of the shipping of Scotland, the prohibition will only tend to diminish this small number, or to compel them to go to foreign markets, to purchase the merchandize which they could bring from England. In these markets they can purchase, at a lower price than in England, and share their fishing with foreign nations, instead of doing so with a kingdom, in the same allegiance with themselves*.

The treaty remained in this situation, till the 29th July 1668, and the English Commissioners account for this lapse of time, before they could give in their final proposals, by the Scotch Commissioners not having furnished them with a list of the shipping of that country. To bring matters, however, to an issue, they now make the following final propositions:

I. That

* Appendix, No. XL. p. cclxxxix.

1. That the subjects of England, trading to Scotland, shall not be liable to an act passed in Scotland, in 1661, concerning bullion, or to any former act of the same kind, affecting the merchandize they import or export from Scotland; nor to an act passed in the same year, prohibiting the importation of "made-work," in so far as regards English manufactures; nor to an act prohibiting the exportation of skins and hides from Scotland: and require further, that the Act of Navigation, passed in Scotland, in 1661, be strictly put in execution, in so far as regards the goods of Asia, Africa, America, Turkey, Muscovy, and Italy, excepting only such goods as shall come from England, in English or Scottish bottoms, under the Act of Navigation.—They further require a prohibition against the importation of nutmegs, cinnamon, cloves, and mace, from Holland, or other parts of Europe, excepting only the produce of the Spanish and Portuguese plantations; and for these purposes, that an explanatory Act of Navigation be passed in Scotland.

2. That a book of rates shall be settled in Scotland, ascertaining the duties to be paid on goods imported in English shipping; and the rate to be not above five per cent. and until such rates be fixed, the goods to pass, *ad valorem*, on the

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merchant's

merchant's oath, as is the practice in England; excepting tobacco imported from England, and wines, at a duty to be agreed on by treaty.

3. That English vessels, importing goods into Scotland, either from England, or parts allowed by the Act of Navigation, shall have liberty to dispose of them, in any place in Scotland, as the Scotch shall have in the port of London.

4. That specified rates shall be paid, on all sorts of cattle, brought out of Scotland into England, or out of England into Scotland; and that these duties shall be collected at Berwick, Wooller, Rathburg, in Northumberland, and at Carlisle and Brampton, in Cumberland; and that places for the same purposes shall be fixed on in Scotland.

5. That timber the growth of Scotland, or timber the growth of England, may be reciprocally imported into either country, duty free for two years; and after that period, to pay half duty of what other nations pay.

6. That the duty of one half-penny per gallon on Scotch salt, imported into England, be continued, this appearing necessary from a table given in by the salt makers in England, for putting the manufactures of the two countries in equal balance,
unless

unless such table shall, upon more strict examination, be found incorrect.

7. That the additional duty on the importation of Scottish linen into England, shall be taken off; and that the trade in leather has already been provided for, by an act, allowing the free exportation of it out of England.

These concessions, it was apprehended, would fully do away the demand made by the Scottish Commissioners, that the subjects of that kingdom should not, in any future act of the English Parliament, be mentioned as aliens*.

From this correspondence it appears, that the events and circumstances which led to the *union*, attempted during the reign of Charles II, had originated in the celebrated Act of Navigation, passed soon after the Restoration; and that though the Scottish Parliament, in the following year, passed an Act of Navigation, which was a transcript of that of England, such act was rather intended to manifest national spirit, than to establish regulations of trade.

That the immediate effect of the Act of Navigation in England, was the depriving the Scots of that trade with England, and with foreign

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countries,

* Appendix, No. XLI, p. ccc.

countries, as English ships, which the Scots had tacitly enjoyed from the year 1607, when the treaty of union by James was broken off, to the Restoration 1660; so that though the treaty of James was not effected, it had the use of leading to commercial interferences, and to more frequent intercourse with the English merchants:—That the Act of Navigation, and subsequent acts in the same spirit, gave a sudden check to the commercial exertions of the Scots, and to their intercourse with the English, and brought back that people to be nearly in the same situation, with respect to the English, as during the first years of the reign of James.—If the question of naturalization was not now stated, in its aspect of rights of inheritance, holding offices, civil, ecclesiastical, &c. as it then was, it appears in another form, the English placing the Scots in the situation of aliens, in regard to trade. The advances of commerce in Scotland, during this lapse of years, fully explains this change. Their exchanges, during the last years of James, and the first years of Charles, had become considerable, and though interrupted by the civil wars, the progress was rapid, during the Usurpation. The union of the three kingdoms, by the instrument of government under Cromwell, though contrary to every principle of govern-

government in Britain, had had the effect to extinguish the foolish distinctions of English and aliens, whether Scotch or Irish, and therefore had given a field for the industry of both nations. To favour this liberal principle, he had checked the incorporated companies, and in the instance of the East-India Company, had taken away its exclusive privilege; though in a short time he restored it. The Scots besides had entered into other branches of the foreign English trade, particularly that to America, under the same privileges, as the English enjoyed; hence their towns, particularly those on the west coast, had risen to eminence; so that the continuation of this trade to them, derived, it will be allowed, from the authority of the Usurper, was that which the Commissioners were contending for, though in the discussions with the English Commissioners, this fact was blended with the particular article of their produce and manufactures. When therefore, the Act of Navigation began to exclude them from the benefit of trading to the English colonies in America, and to cut them off, also, from carrying their produce and manufactures to the English markets, in order thence to be re-exported, they were compelled to resort to the King's authority, to have Commissioners appointed for both countries,

tries, to settle a commercial treaty, that should restore to them the privileges, in part, into which they had silently crept, or had been commanded for them, under Cromwell.

These events and circumstances discover the true source of that commercial jealousy in the English Commissioners, which lengthened out the treaty for six months, and terminated it, at last, in an application from the King to the Parliaments of both countries, to appoint Commissioners, with the more general object of uniting the two kingdoms into one government, as the only measure which could do away the narrow spirit of partial gains which then prevailed.

It is probable, that the Commissioners for settling the treaty of trade for Scotland, on finding that no terms were to be obtained from the English Commissioners, which in any degree would meet the wishes of the merchants of their country, made an application to the King, to revive the treaty of Union, upon the same principles, which had been so fully discussed in the reign of King James, and this opinion is strengthened, by the ready compliance which we shall discover in the Parliament of Scotland, opposed to the harsh delays which disfigured the proceedings of the English Commons.

At

At the opening of Parliament, on the 19th of October, 1669, the King, in his speech to both Houses, recommended to their consideration, the importance of uniting England and Scotland, and the Lord Keeper, after referring to the difficulties which had been experienced in devising a treaty of trade between England and Scotland, appearing in the ineffectual meetings of the Commissioners appointed upon that business, recapitulated the plan of an union, which James had recommended, in the first year of his reign; and explained, that though the Commissioners, then authorised to treat and consult with Commissioners for Scotland, had submitted the terms of a treaty to the Parliaments of both countries, and though that treaty had not been ratified, from the difficulties which at that time prevailed, many of these evils had now disappeared, and rendered the settlement of this great national business, not less practicable than desirable.

The hostile laws had been repealed; the Scottish subjects, born after the accession of James, had been declared by the Judges of England, not to be aliens; and that now, after the subjects of the two countries had been under allegiance to the same sovereign for sixty-seven years, it was to be hoped, that Commissioners would be appointed,

pointed, who would propose such terms to the Parliaments of both kingdoms, as might be found, on mature deliberation, to be acceptable*.

When the King's speech, and this explanation of the Lord Keeper's on it, came under the consideration, the House of Commons waved meeting it with the zeal its importance required. They began with what they deemed of more importance still, the dispute between the two Houses, respecting the privileges of the Commons.

This event, like† the contest between James and the Commons about prerogative, gave but an unfavourable appearance of success, at the very opening of the business. It is not improbable, that many of the English Commissioners, who had been employed to settle the treaty of trade, and who had discovered so fixed a resolution to exclude the Scottish merchants from the benefits of the English commerce in the Colonies, influenced both Houses of Parliament, in postponing the consideration of the King's message.—From the Journals it does not appear to have been mentioned, till the 14th February, 1669-70, when the Lord Keeper reminded the House, of the proposal of the King,

* Lord's Journals, Vol. XIII, p. 252.

† History of the Proceedings of the House of Commons, Vol. I. p. 129.

King, for an Union ; and informed it, that the
 “ Parliament of Scotland had declared to his Ma-
 “ jesty, that such Commissioners, as the King shall
 “ name, shall be authorised, on their part, to
 “ treat with Commissioners for England, upon the
 “ grounds and conditions of an Union, and there-
 “ fore, that the King recommended to Parlia-
 “ ment, to take the matter into its serious con-
 “ sideration*.

On 28th February, the business was postponed
 to the following day† ; and on the first of March,
 again postponed to the third‡. At last, the Lord
 Chamberlain reported the resolution of a Commit-
 tee, which was adopted by the House, “ that his
 “ Majesty be humbly desired to name Commis-
 “ sioners for the kingdom of England, who may
 “ be authorised by act of Parliament, to treat
 “ with the Commissioners to be appointed by his
 “ Majesty for Scotland, about the grounds of an
 “ union between the two kingdoms, reserving al-
 “ ways to his Majesty, and his two Houses of
 “ Parliament (to whom the resolution of these
 “ Commissioners is to be returned) the entire
 F f “ consideration

* Lord's Journals, Vol. XII. p. 288.

† Ibid, p. 295.

‡ Ibid, p. 296.

“ consideration of the whole, and the allowing or
 “ disallowing thereof, or any part thereof, as they
 “ shall think fit*.”

And On the 4th March, a message was sent to the Commons, desiring their concurrence with this resolution†; and on the 20th, a message was brought from the Commons, to acquaint the Lords, that the House had concurred in the votes sent down to them, concerning the union. ~~And~~ it was ordered, that both Houses attend the King, to present him with this vote‡.

The House accordingly attended the King on the following day§; and an act passed, entituled, “ An Act authorizing certain Commissioners of the Realm of England to treat with Commissioners of Scotland, for the Weal of both Kingdoms||”; and the King, when giving his royal assent thanked both Houses, for having “ so well complied with his desires in the progress they had made towards an union between the two kingdoms¶.”

The

* Lord's Journal, Vol. XII. p. 298.

† Ibid, p. 299.

‡ Ibid, p. 305.

§ Ibid, p. 306.

|| States at Large, Vol. III. p. 330. 22 Chas. II. cap. 9.

¶ Lord's Journals, Vol. XII. p. 351.

The instructions to these Commissioners were precisely the same, as those given to the Commissioners in the time of King James. They were appointed to meet at Westminster, on the 14th of September. Thirteen were to be deemed a *quorum*. They were to reduce their resolutions into writing; and three copies were to be made, one for the King, one for the Parliament of England, and one for the Parliament of Scotland.* With these proceedings in England, we have next to compare the conduct of the Parliament of Scotland. It met at Edinburgh on the same day, the 19th of October, 1669, in which the King had opened the Parliament in England, and offered the proposal of an union to it.

The Earl of Lauderdale, the King's High Commissioner, delivered a letter from his Majesty to the Parliament, dated at Hampton Court, the 15th September, 1669, in which, after expressing his confidence in the loyalty and attachment of his subjects in Scotland, he recommends it to Parliament, to take measures for uniting the two Kingdoms; an event, the accomplishment of which, he adds, "will raise our satisfaction almost as high as our wishes;" reminding them,

F f 2 that

* Appendix, No. XLII, p. cccvii.

that the same measure had been proposed by his Royal Grandfather, King James.

This letter was engrossed in the records, and “ the Lords of the Articles,” were directed to draw up a fit answer to the King’s letter.

On the 22d October, this answer was approved of. It expressed loyalty and attachment, gave the fullest assurances of concurrence in appointing Commissioners to treat with such as may be authorized by the Parliament of England, and reserved to itself the power to approve or disapprove of the articles, but offered to the King, the nomination of such persons, as in his wisdom, he might deem qualified for this great trust.

This ready compliance, on the part of the Parliament of Scotland, contrasted with the delays in the Parliament of England, appears to have made a deep impression on the mind of Charles, who wrote a second letter, on the 9th day of December, to the Parliament of Scotland, in which, after expressing his thankfulness to it for its ready compliance, and his acceptance of the offer to nominate the Commissioners, he acquaints the Parliament, that though he had expected the “ Houses of Parliament in England
“ might

“ might, by this time, have taken his recom-
 “ mentation of an union into consideration, yet
 “ they had been taken up with important affairs;
 “ and that he could not think fit to mind them
 “ of it, but to leave them to their own method;
 “ but doubts not, that the Parliament of Scot-
 “ land will, when they again meet, give him
 “ the proofs of their confidence and affection.”
 The Scottish Parliament was then adjourned, till
 the 22d of July, 1670.

On the 11th of April, the English Parlia-
 ment had passed an act, authorizing Commissioners
 to treat on the part of England: and the King
 on the 7th of July, wrote a letter to the Parlia-
 ment of Scotland, in which he informs it, that
 the Houses of Parliament had concurred, in
 authorising him to name Commissioners, and re-
 quiring of the Parliament of Scotland, to take
 the necessary measures for forwarding the treaty of
 union.

The Lords of the Articles were directed to
 frame an answer; and an act passed on the 30th,
 authorizing such persons as might be nominated
 by his Majesty, by a commission under the great
 seal of Scotland, to consult and treat with the
 Commissioners, authorised and appointed by the
 Parlia-

Parliament of England, and to settle such articles, as might be laid before the Parliaments of both Kingdoms for decision:*

Twenty-five Commissioners were appointed for each kingdom, and thirteen of each declared to be a quorum*. The Commissioners of both kingdoms met on the 14th of September, 1670, in the Exchequer Chamber at Westminster, where the commissions were read by the clerk attending those for England, and by the clerk attending those for Scotland; and Somerset House appointed by his Majesty, for the place of their deliberations†.

On the 17th of September, his Majesty sent a message to the Commissioners, expressive of his satisfaction, that Parliament had authorised them to treat of a measure, of so much importance to the interest and happiness of the two kingdoms, and trusted, that they would devise such conditions, as would meet the approbation of both Parliaments; because the King conceived, that the accomplishment of the union, was the most effectual means for preserving the government and
peace

* Appendix, No. XLIII. p. cccxi:

† Ibid. No. XLIV. p. cccxxii.

‡ De Foe, p. 21.

peace of the island, and for removing, for ever, animosities and jealousies, and, in particular, that, it would encrease the commerce and fisheries, and therefore the riches and strength of the two nations :—That his anxiety for the happy conclusion of this Union, had induced him to frame and propose to them the following heads for their discussion, as matters for consideration and debate, viz.

1.—“ The preserving to either kingdome
“ their lawes, civill and ecclesiasticall, entire.”

2.—“ The reducing of both Parliaments into
“ one.”

3.—“ The uniteing the two kingdoms into
“ one monarchy, under his Majestie, his heires,
“ and succeffors, inseperably.”

4.—“ The stateing of all privileges, trade,
“ and other advantages.”

5.—“ The securing the condicions of the
“ union*.”

On the 17th of September, the Commissioners met and agreed, that all resolutions should be reduced into writing; but that nothing assented to should be deemed a resolution, unless reduced into an *instrument tripartite*, under their hands and seals,

* Appendix, No. XLV. p. cccxxv.

seals, and until the same had been presented to, approved of, and ratified by the respective Parliaments. The Commissioners for each nation had an apartment assigned for their separate consultations, and the great chamber for their joint meetings.

The English Commissioners opened the conference, by proposing that the third subject recommended by his Majesty, should first be brought under discussion; and at a general meeting on the 22d, this proposal was acceded to by the Scotch Commissioners. It was next settled, that a committee of *three* English and *three* Scotch Commissioners should be appointed, to reduce the articles, as they might be agreed on, into writing.

The first debate was respecting the words in the King's message, *and successors*. After discussion it was settled, not to insert these words in the resolution; a circumstance which strongly marks, even at this period, the apprehensions entertained of the Duke of York's attachment to the Catholics, and may be considered as the first public avowal of an opinion, which afterwards terminated in the Act of Exclusion.

The article was therefore thus expressed:
 " That the two kingdoms shall be inseparably
 " united into one monarchy, under his Majesty;
 " and

“ and the heirs of his body, and for want of such
 “ heirs, under the body of King James, his Ma-
 “ jesty’s Royal Grandfather, of glorious me-
 “ mory.”

The next subject for consideration was the
 first proposition stated in his Majesty’s message, *viz.*
 “ The preserving to either kingdom, the laws,
 “ civil and ecclesiastical, entire.”

The Scotch Commissioners proposed, that the
 resolution should run in the following terms :
 “ That the laws and customs, civil, criminal, and
 “ ecclesiastical judicatories, and offices of either
 “ kingdom, be preserved, and remain entire, in
 “ all time coming, as they are before the union ;
 “ and that all actions, processes, causes, and ques-
 “ tions, civil, criminal, or ecclesiastical, concern-
 “ ing the subjects of *Scotland*, or any of them, in
 “ their lives, rights, properties, or other inter-
 “ ests in *Scotland*, be only tried, judged, and de-
 “ termined in *Scotland*, by the ordinary and com-
 “ petent judicatories there, and shall not be heard,
 “ pursued, or judged in *England*, in the first in-
 “ stance, or by way of appeal, review, reduction,
 “ or by any other way whatsoever.”

The Commissioners for England required an
 explanation ; because as these words were ex-
 pressed, the Parliament of Great Britain would

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not

not have a legislative power to alter or change any law, however grievous it might be; and as no Parliament would remain in Scotland to repeal such law, it must continue, even if the subjects of Scotland should desire to have it repealed.

This objection being so forcible, the Commissioners for Scotland, before they could explain themselves fully, proposed, that the second proposition in his Majesty's message should be first examined and settled, that is, "That the two " Parliaments should be reduced into one."

On the 1st of November, the English Commissioners desired to know from the Scotch, what number or proportion of members, they would require to sit in the Parliament of Great Britain. The Scotch Commissioners replied, that they did not see, that the number could be less than it now is in the Parliament of Scotland, without incapacitating some of the Peers, or depriving some of the shires and burghs from sending members to Parliament, a proposition which they could scarcely make to the Parliament of Scotland.

The English Commissioners replied, that such a proposition had never been in their view, and time would be required to consider of it; and determined

terminated to take the opinion of the Attorney General on this important point.

On the 8th, the meeting was postponed to the 12th; but on the 11th, his Majesty sent a message, desiring the meeting to be adjourned to the last Thursday in March following.*

In this manner terminated the projected treaty of union of Charles II. From the events detailed, as well as from the measures pursued by the cabal or leaders of the prevailing faction who were involving the two Houses of Parliament in constant disputes, connected with the narrow resources which Charles possessed, we may infer, that however beneficial the measure in itself was admitted to be, the public were not as yet sufficiently prepared for its reception.

The causes, therefore, which prevented the adoption of the union, during this factious period, seem to be the following:—

1. The same Commissioners, who had differed so widely in the treaty of commerce, and who in their correspondence appeared to have acted with ill temper, and with national prejudices, were not fitted to decide on a great national subject, which required liberality and wisdom. It could not be expected,

* De Foe, p. 21 to 30.

expected, that the same men would agree on general measures, when these must necessarily involve in them, the very privileges of trade, which the Scots had asked and the English had refused.

2. The propositions coming from the King, seems a second cause for the plan being received with jealousy. The Restoration had been recent; factions still prevailed. Charles appears therefore to have forgotten the example of his Grand-father's anxiety for the union having defeated his scheme, and not to have reflected, that though time had altered the aspects of the subjects debated on, it had by no means changed the principles on which the debates might proceed. The views of the subjects of both countries were, as yet, but narrow and contracted, and not guided by the general interests of the empire, which alone could have effaced selfish and temporary prejudices.

3. Though it was a natural wish in Charles, looking back to the calamities which had overtaken his father and to the hardships which had preceded his restoration, to recommend the introducing as the basis of an union, the confirmation of the monarchy, under himself, "his heirs, "and successors, inseparably," yet from his having no descendants, and from his brother the Duke

Duke of York, having, by his attachment to the Catholics, excited *the* jealousies of a people who were adverse to that system, it was not to be expected, but that precautions would be taken by the Commissioners upon this point, and that these very precautions would disgust the Court at the union itself.

4. The proposition of forming one Parliament of the two, by uniting them in whole, alarmed the English, and called up the old jealousy which had subsisted in the time of James, and which had kindled up the civil wars which proved fatal to Charles I. It could not, therefore, be expected, that either the English Commissioners, or Parliament, would accede to the admission of the Scotch Parliament in whole, because this involved in it difficulties which were insurmountable. The constitution of the two Parliaments was different, and neither could be made compatible with the other. The English Parliament had been contending for their privileges, and had fixed the most important of them; no such contest had existed in Scotland.

Though Prelacy had been re-established in that country, the body of the people were Presbyterians, and evidently tending towards the establishing of that form.

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It was not, besides, practicable, to admit the Scottish Bishops, to a seat in the British House of Peers, which would have given them judicial powers in England, and an influence which might have been turned against the popular religion of their country; and it was not consistent with the Presbyterian system, to allow any of its members, legislative rank. The Scottish peerage would have encreased, at once, the House of Lords to an undue proportion, and though the number of the knights of its shires was not so great, but they might have been admitted, its burghs that were royal, and therefore entitled to send representatives to the Scottish Parliament, were as numerous, as many of them were inconsiderable.

Under these circumstances, the Court, as well as the Parliaments of both kingdoms, relinquished the plan of an union.

V.—*Revival of the Plan of an Union, during the Reign of King William, and in the first Years of the Reign of Queen Anne, with the Events and Circumstances which prevented its Adoption, and those which produced the important Treaty of Union, in 1707.*

The establishment of King William on the throne of these realms, having fixed the prerogatives of the Crown, the privileges of Parliament, and the liberties of the subject, in that constitution which has been not less the source of happiness to the British Empire, than of envy to surrounding nations, it might have been expected, would have led to more liberal conduct between the two kingdoms of England and Scotland, than had hitherto been experienced, since they had been in allegiance to the same Sovereign. —From however the distinct characters in the constitution of the government in the two countries, from commercial jealousies inducing the English nation to exclude the subjects of Scotland from participating in their trade, and from the difference of opinion in the one country and in the

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the other, respecting ecclesiastical establishments, it will be found, that the same causes still operated to prevent that union, which since its completion, has proved the source of national strength and prosperity.

King William and Queen Mary being recognized Sovereigns of England, it became necessary for the tranquillity and safety of the island, that they should, in like manner, be legally acknowledged in Scotland. The Estates of that country met on the 16th March 1689, when an attempt was made to introduce a letter from the late sovereign, which was rejected. As the meeting had been called, in consequence of an address of the Scottish nobility and gentlemen in London, requesting King William to take on him the administration of the government, a letter from him was presented by the Earl of Leven, dated at Hampton Court, 7th March, in substance stating the fullest confidence of his Majesty in the Estates of Scotland, that they would adopt measures for the security of the religion and liberties of the kingdom; that he felt satisfaction, in so many of the nobility and gentlemen having so strongly expressed their inclination for an union of the two kingdoms, as the only means for giving happiness to both, and for obliterating those animosities

mosities and jealousies which must evidently tend to the ruin of Britain; and expressing his resolution to use his utmost endeavours, for advancing every measure which may conduce to establish this important national benefit.

In reply, the Estates, on the 23d of March, addressed the King with assurances of their attachment, acknowledged him to be the deliverer of their country; and that they were in equal readiness with the kingdom of England, to take measures for accomplishing an union, as the best means for securing the happiness of both nations. This letter was subscribed by the nobility, the knights of the shires, and the members for the towns.

On the 27th of March, a Committee was elected for settling the government;* and on the 11th of April the Estates published the declaration of the kingdom, containing the claim of right, and the offer of the Crown to King William and Queen Mary †. On the same day, a proclamation was issued by the Estates, declaring them to be King and Queen of Scotland.

On the 13th, the articles of grievances were

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presented

* Acts of Parliament of Scotland, Vol. III. p. 137.

† lb. p. 147.

presented to the King; and on the 23d an act passed, nominating Commissioners to treat concerning an union of the two kingdoms.

On the 24th, the estates addressed a letter to the King and Queen, and sent the Earl of Argyle, Sir James Montgomery, and Sir John Dalrymple, with powers to administer the coronation oath, and to assure his Majesty, that they trusted it had been reserved for his wisdom, to unite the two kingdoms in one Parliament: That for this important purpose, they had nominated Commissioners, with powers to meet and treat with the Commissioners for England, at such time and place, as the King might appoint: and farther, that if any difficulties should arise in the treaty, they would refer the decision to his Majesty's wisdom, always reserving, however, the church establishment, as it may be at the time of signing the union*.

These transactions, between the Estates of Scotland and King William, explain the motives for that part of this speech, which he addressed to the Parliament of England, on the 21st of March:—"I must recommend," said the King, "to your consideration, an union with *Scotland*."

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* Appendix, No. XLVI. p. cccxxviii.

“ I do not mean it should now be entered upon ;
 “ but they having proposed this to me some time
 “ since, and the Parliament there having nomi-
 “ nated Commissioners for that purpose, I should
 “ be glad, that Commissioners might also be no-
 “ minated here, to treat with them, and to see if
 “ such terms could be agreed on as might be
 “ for the benefit of both nations, so as to be ready
 “ to be presented to you, in some future session *.

On the 24th of March, the English House of
 Lords met, to take the King's speech into confi-
 deration ; and after declaring the acts of the last
 Parliament to be of full force and effect, as
 laws of the realm, they postponed the considera-
 tion of the other paragraphs : But it does not ap-
 pear from the Journals, that any further notice
 was taken of the recommendation to appoint
 Commissioners to treat of an union.

It is probable, that the commercial jealousies
 which had run so high in England, for so many
 years, still subsisted, and that the demand made
 by the Scotch Commissioners in 1670, for an en-
 tire union of the two Parliaments, influenced that
 of England, at the very opening of the business of

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* Appendix, No. XLVII. p. cccxxxviii. and Lords
 Journals, Vol. XIV. p. 434.

the nation, to make no answer to that part of the King's speech, which recommended an union with Scotland. The constitution had been but recently established; prerogative and privilege accurately defined; and it was held premature, to pass immediately to so difficult a transaction as the union of the two kingdoms.

It may easily be supposed, that this tacit rejection of the offer to renew a treaty of union by the English Parliament, was felt in Scotland as an insult, and perhaps may have been one reason, which not a little influenced the conduct of those who unhappily adhered to the pretensions of the late King, though from the readiness with which King William received the application for an union, and the earnestness with which he recommended it to the English Parliament, the prejudices against the English constitutional Sovereign were as unfounded and unreasonable, as those against the English Parliament were natural but unwise.

In subsequent periods of King William's reign, his opinion was frequently given, that without an union, the happiness of the island could not be completed. "I have done all I can, said the
" King, in that affair, but I do not see a temper in
" either

“either nation, that looks like it: It may be
“done, but not yet.” *

Though the Parliament of Scotland had now obtained the redress of those grievances, civil and ecclesiastical which they had asked of the King at his establishment on the throne, commercial grievances still remained; and the subjects in Scotland found themselves under the new, as under the old government, liable to those restrictions in their attempts to trade with the English settlements, for the removal of which the treaty of commerce in 1668, and the treaty of union in 1670, had been in vain attempted. Considering, therefore, every future attempt to remove these restrictions to be unavailing, they took to the natural, but rash expedient, of forming commercial establishments for themselves, without reflecting, that the countries to which they proposed to trade, were either already pre-occupied by the English, with whom therefore they must be in constant opposition; or to countries pre-occupied by foreign nations, and this right ratified by treaties with the Crown of England, whose Sovereign this plan involved in a double difficulty. The King could not patronise the Scots' plans of distant commerce, without interfering

* De Foe, page 32.

fering with the right of the English to their plantations, and with exclusive privileges of their mercantile companies. These privileges had formerly been grants of the Crown, but now they rested upon charters, proceeding upon acts of Parliament, and upon rights given for a valuable consideration. The King, besides, could not listen to the Scotch claims, because the Crown of England being in alliance with Spain, could not grant, without breach of treaty, privileges to the subjects of Scotland, to trade to countries claimed as a part of the Spanish Indies.

The Scots, however, felt, that the hardship was great, if they were to be made a sacrifice, either to the interests of the English subjects, or to the engagements of the Crown of England with foreign nations, and yet, that all the advances they had made, particularly the recent one, though recommended by the King, were either treated with silence, or opposed with decision.

Under these circumstances, in 1695, an act passed in the Parliament of Scotland, entituled “ An Act for a Company trading to Africa and the “ Indies,” by which the merchants of Scotland were empowered to contract and to enter into societies and companies for carrying on trade to any part of the world, not being at war with his Majesty,

jeſty, and particularly to the kingdoms and countries in Europe, to the Eaſt and Weſt Indies, to the Straits, to the Mediterranean, to the coaſt of Africa, and to the northern countries. Theſe companies were to have all rights and privileges as to their perſons, rules, and orders, that by the laws are given to companies allowed to be erected for manufactures. The act then recites, that the King did give to theſe companies his promiſe of his letters patent, under the great ſeal, and to confirm to them, whatever other encouragement the act of Parliament for encouraging foreign trade had eſtabliſhed — It then conſtitutes certain perſons to form a company, and to trade on a joint ſtock, under the name of “ the Company of Scotland trading to Africa and the Indies.” — One half of the ſtock was to be allotted to Scotchmen, reſident in the kingdom, and if that half be not filled up againſt a ſpecified day, it may be ſubſcribed to by Scotchmen, reſident abroad or by foreigners*.

The eſtabliſhment of a Company, privileged to trade to the very countries in which the Engliſh had already conſidered themſelves to be poſſeſſed of excluſive commercial rights, re-kindled the national animoſities, and the Eaſt-India Company,
in

* Scots Act of Parliament, Vol. III. p. 408.

in a particular manner, exerted itself, to prevent subscriptions being obtained by the new Scotch Company.

This last had sent agents to Hamburg, for the purpose of procuring subscribers to its stock, who were opposed by agents from England; and it appears, that both parties had acted with considerable violence*.

During this contest, however, the old, or London East-India Company, found itself attacked in a quarter which it was less able to resist, by an offer from the new English Company to Parliament of £.2,000,000, on condition of being allowed to trade to the East-Indies. This offer being accepted this new or English Company obtained a charter in 1698, and thus, at one time, in Britain, there were three East India Companies, each opposing the other, and all, by their opposition, giving those advantages to the Dutch East India Companies, which though they retained their different chambers, had already been united.

The London East-India Company had applied to Parliament for a prohibition to the subjects of England to subscribe in the Scotch Company's fund, and to have it declared, that the Scotch
merchants,

* Carstare's State Papers, p. 303.

merchants, resident in England, who were subscribers to the Scotch East India Company, should be held guilty of a misdemeanor ; but as Parliament was near its close, these impeachments dropped. The Scotch Company, in this situation, were obliged to relinquish the trade to the East Indies, and therefore projected a scheme of fixing a colony at Darien, upon the plan of opening a trade, on the one side with the Spanish West Indies, and, on the other, through the Pacific Ocean, with the East Indies, and fitted out two ships for this purpose.

This important spot was claimed by the Spaniards, who were prepared to resist the new settlers by force, and who required of the King of England, on the basis of a treaty, that no supplies or assistance should be given to the Scotch Company, from the English colonists in America.

It was not, however, either the one or the other of these precautions, which could have prevented the establishment of the Scottish colony, had their funds been equal to the purposes of trade ; but these funds being embarrassed by the subscriptions being withdrawn or bought up by the English Company, and a run being made on them, the settlement ended in disaster and in the sufferings of the adventurers.—

The Scotch nation took a lively interest in the hard fates of their trading companies, and ascribed all their misfortunes and sufferings at Darien, to what they termed the persecutions of the English.

Still, however, the Scots continued to struggle with their difficulties and to make application to the Crown for relief; and we find an act* passed in the Parliament of Scotland, 11th January, 1701, renewing the privileges, for nine years after the expiration of the term granted on the 16th of January, 1695, to the Scottish Company trading to Africa and the Indies, now known in Scotland by the name of the African Company only.

The English Parliament, in January 1699-1700, resolved to take into consideration, the present posture of affairs in Scotland, relating to the business of Darien†. On the 18th, the Lords, proceeding upon the opinion of the Commissioners of Trade and Plantations upon the memorial of the Spanish Ambassador, claiming the observance of the treaty with Spain, 1670, and upon an address to the King, in 1695; resolved, that the proclamation, prohibiting the governors of the plantations

* Scotch Acts of Parliament, Vol. III. p. 590.

† Lord's Journal, Vol. XVI. p. 491.

tations to supply the Scotch settlement at Darien, was agreeable to the address of the House on the 13th of December 1695*.

This measure, was followed on the 10th of February, by a resolution to appoint a time, for taking into consideration an union between England and Scotland†. The King replied to the address of the House, on the subject of Darien, on the 12th, assuring them that he will always have a great regard to their opinion, and never be wanting to promote the advantage and good of the trade of England; at the same time he cannot, he added, but have a great concern for his kingdom of Scotland, and was touched with the loss his subjects had sustained at Darien. He then concluded, that difficulties in the different interests of trade in the two kingdoms must often arise, unless some way be found out, to unite them more nearly and completely. He therefore reminded them, of what he had recommended soon after his accession to the throne, that they would consider of an union between the two kingdoms: that he was inclined to hope, after the nation had been a hundred years,

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* Lord's Journal, Vol. XVI. p. 497.

† Ibid. p. 512.

under the same head, some happy expedient may be found, for making them one people; and earnestly recommended this matter for their consideration *.

On the 16th, a bill appears to have been brought into Parliament, for authorising certain Commissioners to treat with the Commissioners of Scotland, for the weal of both kingdoms†, and on the 22d, farther progress was made in this bill‡. On the 28th, the bill appears to have passed, and a conference with the Commons to have been resolved on §, and to give it more weight, the bill was sent down by two Judges with a special recommendation, as a bill of great consequence||. The Commons rejected it ¶.

As Parliament was dissolved soon after this event, we do not find the subject again revived, till the 12th of June, 1701; when a Committee was proposed by the Lords, to consider of, and
lay

* Appendix, No. XLVII. p. cccxxxiii, and Lords' Journals, Vol. XVI. p. 514.

† Ibid. p. 518.

‡ Ibid. p. 524.

§ Ibid. p. 529.

|| Ibid. p. 530.

¶ History of the Proceedings of the House of Lords, connected with the Transaction of the Commons and History of the Times, Vol. II. p. 11.

lay before the House, what may be proper to be done, and what hath been done, towards an union between England and Scotland *.

On the 12th, this proposal was postponed; on the 13th it was again postponed †; and on the 19th, a Committee of nine Lords was appointed, to be chosen by ballot, to inspect and examine what proceedings have formerly been taken, in relation to an union between England and Scotland, and to report their proceedings to the House ‡.

The ballot accordingly took place on the 24th, when nine were chosen, any three of them to act and to meet, when, where, and as often as they pleased §.

It does not appear that this Committee made any report; for on the 28th of February, during that illness of the King, which deprived the nation of its deliverer, and perhaps of the wisest sovereign who had ever sat on the throne, he sent a message to the House, expressive of his opinion, “ that nothing can contribute more to the present
“ and future peace, security, and happiness of
“ England

* Lords' Journals, Vol. XVI. p. 740.

† Ibid. p. 747.

‡ Ibid. p. 758.

§ Ibid. p. 768.

“ England and Scotland, than a firm and entire
 “ union between them; and that he could not
 “ but hope, that a general disposition will be
 “ formed to this union; and therefore, in the
 “ most earnest manner, recommended this affair
 “ to their consideration *.

The act of the Scottish Legislature, appointing Commissioners for an union with England, immediately after the accession of King William, has already been mentioned, and contrasted with the silent rejection of this plan by the Parliament of England, notwithstanding the King's recommendation of it.

The Scots, conceiving that this rejection proceeded from a determination, which the English House of Commons had for so many years manifested, of excluding them from all the benefits of the English trade, had resorted to the expedient of creating a general trading company to themselves, the fate of which at Darien, and the renewal of the privileges to the African Company, have also been referred to.

The Scots, during the reign of King William, ascribed their foreign misfortunes to the English, and in many instances with reason; and

* Lords' Journal, Vol. XXII. p. 57.

and this circumstance accounts for the national animosities being rekindled, and matters being brought between the two countries to that crisis, in the first years of Queen Anne, that either a civil war or the adoption of conciliatory measures on the part of England, by a liberal treaty of union, must unavoidably have taken place. — Events however and circumstances had occurred in the internal administration of Scotland, which unhappily strengthened the national aversions: such was the unfortunate transaction at Glencoe, which gave a cast to the minds of the Highland chieftains, that has required almost a century to obliterate. These disputes between the two kingdoms fully account for the King's anxiety to promote the union, and for the parental expressions which he used, in his last message to the Parliament of England, that he would esteem it a particular felicity, during his reign, if some happy expedient for making both kingdoms one might take place*.

Queen Anne, at her accession, adopted the the politics of King William, in regard to the union of the two Kingdoms. In her first speech to Parliament, on the 11th of March 1701, she acquainted

* De Foe, p. 35.

acquainted it, “ that she thought it necessary to
 “ desire Parliament would consider of proper me-
 “ thods, towards attaining an union between Eng-
 “ land and Scotland, so lately recommended to it,
 “ as a matter that nearly concerned the peace and
 “ security of both kingdoms.” *

The Commons appear, for the first time, to have seriously met the wishes of the Sovereign, upon this important subject; and a bill passed their House, soon after the recommendation given from the throne, and was sent up to the Lords on the 4th of April, desiring their concurrence in an act, to enable her Majesty to appoint Commissioners to treat for an union between the kingdoms; a bill for this purpose was read a first time †; and on the 16th, notice was given to the Commons, that the Lords had agreed to the bill, and committed it ‡. It passed on the 20th §, and in the same terms as the former bills for the like purpose ||; and received the Royal assent on the 6th of May ¶.

The

* Lords Journals, Vol. XVII. p. 68.

† Ibid. p. 97.

‡ Ibid. p. 100.

§ Ibid. p. 102.

|| Statutes at Large, Vol. IV. p. 95.—*Note.* The bill is not inserted but reference made to 12 and 13 William III. cap. 1,—and 11 and 12 William III. cap. 2.

¶ Journals of the Lords, Vol. XVII. page 117.

The warrant appointing twenty-seven Commissioners, is dated the 25th of August, 1702. They were to meet on the 27th of October, with such Commissioners for Scotland as may be appointed under the like authority, by an act of Parliament; and the major part of them, with the Commissioners for Scotland, were to consult, treat of and decide on articles of union, for the weal of both realms, and to reduce their decisions into instruments quadrupartite, to be subscribed and sealed, one copy for the Queen, one for each of the Houses of Parliament of England, and one for the Parliament of Scotland, and these articles were to be submitted to the wisdom of the two Parliaments *.

The meeting of the Commissioners was postponed by a warrant from the Queen, dated the 26th of October, to the 10th of November; and by a warrant, 31st January, 1702-3, thirteen of the Commissioners who had been declared to be a *quorum*, were reduced to *seven*, who were authorised to execute the trust reposed in them †.

The Queen had judged it expedient, that the

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* Appendix, No. XLVIII. p. cccxlii.

† Ibid. p. cccxlviii.

measures, regarding an union should not only originate in the House of Commons in England, but that the act empowering her Majesty to name Commissioners, should pass in that kingdom, before similar measures should be introduced into the Parliament of Scotland, guarding thus against jealousies between the Commons and the Lords, in which last house all propositions of the kind had formerly originated, and preventing the Parliament of Scotland from being again exposed to the mortification, and to the prejudices, which might result from the measure originating with them or their passing an act which might not meet a corresponding return in England.

The Queen's letter to the Scotch Parliament is dated 9th of June. After expressing the security and happiness which would result from an union of the two kingdoms, she informs it, that she had been empowered by the Parliament of England to name Commissioners, and doubted not of the endeavours of the Parliament of Scotland, to contribute their utmost to so beneficial a measure*.

On the 11th of June, the Queen addressed a second letter to the Parliament of Scotland, in which

* Appendix, No. XLIX. p. ccclii.

which she expressed her resolution, to maintain the sovereignty and independency of her ancient kingdom against all encroachments and invasions; to preserve equally the prerogatives of the Crown and the liberties of the kingdom; and to avoid all measures of misunderstanding or differences, between the two realms; and concludes by referring to the inclinations towards an union, which had been expressed by the Parliament of England.

On the 18th, the Parliament of Scotland, in answer to the Queen's letter, referred to the readiness with which they had met the plan of an union recommended by the late King at his accession to the throne, from their judging it the most effectual means for promoting the peace and happiness of both nations; and assured her Majesty, that they will take the necessary steps, for making a suitable return to the advances which had been made by the Parliament of England *.

On the 25th, drafts of a bill and of a letter to the Queen, were presented to the Parliament by the Lords of the Articles. The letter to the Queen particularly specifies the hope of the Parliament, that particular regard would be had to the maintenance of the Presbyterian government of

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* Appendix, No. XLIX. p. ccclii.

the church. An improvement was proposed, that the Commissioners should be precluded from treating on any article, tending to re-introduce Prelacy ; as this ecclesiastical establishment had been abolished by the Bill of Rights.

The act proceeds upon the desire of an union, which the Parliament of Scotland had signified to the late King William, and upon the desire which her Majesty had expressed to the Parliaments of both kingdoms ; it then refers to the act passed in the Parliament of England, authorising the Queen to appoint Commissioners ; and specifies, that an union would be of great importance to the defence of the true Protestant religion and to the peace and safety of the two realms ; and enacts, that such persons and quorum thereof, as shall be nominated and appointed by her Majesty, shall be vested with full powers to treat with the Commissioners for England, at such times and places as the Queen may appoint, upon such articles as may be for the good of both realms ; the terms to be reduced into four writings, each verified by the signatures and seals of the Commissioners of the two kingdoms, that the articles may come under the consideration of Parliament, but to be of no effect, till confirmed by both legislatures.

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This act was accompanied by a letter to the Queen, expressive of the obedience to her Majesty's recommendation, in passing an act authorising her to name Commissioners to treat of an union on the part of Scotland, and explaining, that when the Parliament of Scotland did grant a like authority to the late King, it reserved the preservation of the church government, as it should be established at the time of the union:—Parliament had the fullest confidence in the Queen's endeavours to preserve this form, as established by law and trusted that the Queen would name Commissioners, who would have a due regard to this privilege of Scotland, as well as to the general interests of that kingdom*.

From these transactions it would appear, that the Parliament of Scotland, influenced not less by the events which had prevented the union during the reign of King William than cautious, in any concessions which would make the appointment of Commissioners appear to be more an object with them than with the Parliament of England, had determined to prevent the possibility of any attempt

* Appendix, No. XLIX. page ccclv.—and Scotch Acts of Parliament, Vol. III. p. 615.

attempt being made to introduce that prelacy, which had been so unwisely (considering the temper of the nation) forced upon them, during the reign of Charles II. The recollection, perhaps, of the persecutions of that period, better than any other circumstance, explains their laying their own Commissioners under the restriction, that they were not even to treat of any change in the church government, without specifying to them what had been the leading point in all the former constructions, the preservation of the laws, rights, and privileges.

The Commissioners of both kingdoms thus authorized, met at the Cockpit, at Westminster, on the 27th October 1702, and by an order from the Queen, were adjourned to the 10th of November. The conferences opened with the reading of the commissions, when the Lord Keeper, on the part of England, expressed the desire of the Commissioners to perfect an union already established in allegiance, and become necessary for the happiness of both countries; to which the Duke of Queensberry replied, that an union had been desired by the Parliament of Scotland, since the period when both kingdoms had owed allegiance to the same sovereign; that it had become necessary for the security of the Protestant

testant religion ; and that the Commissioners for Scotland were prepared to accommodate any difficulties which might arise, and to bring upon fair and reasonable terms, the treaty to a conclusion.

The commissions were exchanged on the 16th of November ; that for England delivered to the Scotch Commissioners, and that for Scotland to the English Commissioners.

Some objections were made to the terms in the Scotch commission, but upon explanation by Lord Seafield, they were over-ruled.

The Queen came to the conference, and expressed her wishes, that some effectual method for establishing an union might be devised, as she was convinced it was the most likely means to consolidate the government and to secure the peace and encrease the trade, of both countries.*

On the Queen's with-drawing, the Lord Keeper made propositions to the following effect :

All proposals to be in writing, but not discussed the day on which they are offered.

The opinions on them to be verbal and only reduced to writing when agreed on ; but
not

not deemed obligatory, till the whole be in a state to be laid before the Queen and the two Parliaments. The Duke of Queensberry added, on the 20th, that the terms were not to be obligatory, till ratified by the two Parliaments; and that a Committee should be appointed to revise the minutes of the Commissioners. These preliminaries being settled, the Commissioners for England proposed, that the two Kingdoms be united under the name of Great-Britain and that the succession to this monarchy be settled, according to the limitations mentioned in the English Act, 12 and 13 of King William, entitled “ an Act for the farther limitation of the “ Crown, and better securing the Rights and “ Liberties of the subject.*

In answer, the Duke of Queensberry proposed, as the basis of a treaty :—

That the two kingdoms be united into one monarchy.

That they be represented in one Parliament ; and

That

Appendix, No. L. p. ccclxiv. Statutes at Large, Vol. IV. p. 61. *Note.* By this act, the Princess Sophia, Electress Dowager of Hanover, and her heirs, being Protestants, were declared next successors to the Crown, after the King and the Princess Ann Princess of Denmark and their issue.

That a mutual communication of trade, and other privileges be established.

On the 25th, the English Commissioners stated, that the acts of Parliament in both kingdoms, which had appointed them, had declared the articles not to be binding, till ratified by both Parliaments; and it was agreed by the Scotch Commissioners, that such articles should be obligatory only, when matters should be so far adjusted as to be agreed upon, as proper to be laid before the two Parliaments. It was further explained, that the terms to be drawn up by the Committee should not be entered on the respective books, 'till after report had been made to the respective Commissioners.

The Scotch Commissioners postponed giving any public answer on the subject of the succession to the monarchy, till the English Commissioners should explain themselves respecting the mutual communications of trade. It was agreed by the English Commissioners, that the two kingdoms should be united into one monarchy, and that the two nations should be represented in one Parliament, under the reservation in this last article, of waiting till such time, as proposals shall be made by the Scottish Commissioners, pointing out the means by which

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such union of Parliament can be rendered practicable.

On the 30th, the English Commissioners admitted, that a communication of trade and other privileges was essential to a complete union ; but required of the Scots to explain themselves on the subject of the succession.*

On the 5th of December, the Duke of Queensberry acquainted the English Commissioners, that those for Scotland would agree to the uniting the kingdoms into one monarchy in the same line of succession, and into one Parliament, if the English Commissioners would agree to the mutual communication of the privileges of trade †.

In reply, the English Commissioners stated, that the union cannot be complete, till all the terms be adjusted upon which it is to be constituted ; that therefore, though the communication of trade would be a necessary result, they must first know the terms and conditions upon which it is to be granted, and particularly, if the Scots would agree to the succession. The Scotch Commissioners required, in the first place, an answer on the subject of trade.

It

* Appendix, No. L, p. ccclxvi.

† Ibid. p. ccclxvii.

It would appear, the English Commissioners wished to evade this point and to bring forward as preliminaries, the two propositions respecting the monarchy and the succession. At last, the Scotch Commissioners yielded, with the reservation only, that the trade must be settled in the farther progress of the treaty.

The reply of the English Commissioners was general. They admitted the reasonableness of a communication of trade: and a general Committee was appointed to report on the subject.

On the 9th of December, the Scotch Commissioners finding that the question of trade was evaded, proposed, that there be a free trade between the two kingdoms; that a book of rates be kept to regulate importation and exportation; that equal access be allowed in the plantations to the shipping and seamen of both kingdoms; that all the parts of the act of navigation which may be contrary to or inconsistent with this common trade, be repealed; that neither kingdom be burdened with the debts contracted by the others, before the union; and that on equalizing the duties, an exception be made of those, which the English Parliament had appropriated to the payment of their debts or if this be thought impracticable,

ble, that an equivalent be given to the Scots, for submitting to this duty.

That these propositions shall not affect the companies of merchants or of manufacturers of either kingdom, whose privileges must be reserved for future consideration*.

These propositions the English Commissioners referred to the Committee,

It would appear at this period of the treaty, that the English Commissioners wished to postpone the article regarding trade, and that the Queen became doubtful of the success of the negociation; for on the 14th, she came to the meeting, desiring to know what progress had been made, and with assurances, that nothing shall be wanting on her part to bring the union to perfection*.

The Lord Keeper acquainted her Majesty, that they had been deliberating on propositions respecting trade, as offered by the Scottish Commissioners, which were therefore read to the Queen but no answer given†.

On the 16th, the Commissioners for England proposed:—That there be a free trade between the two kingdoms, for the products and manufactures of the respective countries, with the exception of

* Appendix, No. L. p. ccclxx.

† Ibid. p. ccclxxi.

of wool, sheep, and sheep felts, and without any distinction of duties, which must be equal in both kingdoms :—That the masters and mariners be placed under the same regulations, securities and penalties :—That the prohibitions on importations and exportations be the same :—That the trade to the plantations cannot be granted till all the other particulars are adjusted, because the law requires, that no European goods can be carried to the Plantations but what have been first landed in England, except salt, salted fish, Scottish provisions, servants, horses, wine of Madeira, and of the Azores ; nor can the produce of the Plantations be carried to other parts of Europe, till landed in England :—That the subjects of Scotland be liable to be pressed for the service of the navy :—That the Act of Navigation must be framed, so as to be adopted to the terms of the union :—That as all the funds of England are appropriated to the debts of the nation, these debts having been contracted in defending the dominions of both kingdoms, that the union cannot be completed, unless an equality of duties on goods, for home consumption, be admitted ; and therefore, that the equivalent must depend on the proportion Scotland shall take of the burdens *.

The

* Appendix, No. L. p. ccclxxii.

The Scotch Commissioners, on the 19th, required an answer to their propositions, before they could reply to those now detailed.

On the 30th, it would appear, the subjects of the conferences had been made public, and therefore it was resolved to confine them, in future, to the meetings of the Commissioners:—

On the 2d of January, 1702-3, the English Commissioners consented to the following articles:

That the subjects of both kingdoms have equal trade to the Plantations and the seamen be equally liable to service in the navy:—That the Act of Navigation, in both kingdoms, be adopted to the terms in the union; and that the further proposition, regarding trade, as well as the duties on plantation goods, for home consumption, be matters for future consideration*.

On the 18th, the Scotch Commissioners proposed, that neither kingdom be burdened with the debts of the other, contracted before the union; and that no general excise be extended to Scotland, till the debts contracted before the union be satisfied:—That after the union, Scotland be subject to such excise, as the Parliament of Great Britain may think just, provided it do not exceed what shall be laid upon the counties of England, bordering on
Scotland

* Appendix, No. L. p. ccclxxv.

Scotland :—That the goods in Scotland, not subject to excise, if imported into England, shall pay this duty there :—That an equivalent be given to Scotland, on becoming subject to the English regulations of import and export, and this equivalent applied to the encouragement of fishing and trade in Scotland :—That this equivalent be £.10,000 yearly :—That £.48,000 shall be the proportion of Scotland, when the English land-tax amounts to four shillings in the pound, and so progressively *.

On the 21st of January, a deputation from the English Commissioners informed those for Scotland, that they were to apply to the Queen for a new commission, reducing the quorum of the respective Commissioners to *seven* ; which Commission was communicated on the 23^d, when the English Commissioners offered for consideration, that as the debts of England had been contracted for the common defence against France, and as the Scots had enjoyed the benefits of a coasting trade to England, during the war, that therefore the like duties be levied in Scotland, and applied in the same manner ; but as to imposing only such duties, till the debts contracted by England be paid, it was postponing them beyond the present age ;

* Appendix, No. L. ccclxxvii.

age; for the 4th and 5th William and Mary had granted to the King and Queen the fund for the first million for ninety-nine years, and the duties on salt, stamp paper, &c. were nearly of the same description, though in the last case there were clauses of redemption.

If, therefore, the duties in Scotland were to remain as they now are, the manufacturers could undersell those of England, because a person can maintain his family, at four pence per day, per head, in Scotland, as well as in England at eight pence per day. The duties upon home consumpt, therefore, must be the same, it being a mistake, that the northern counties pay less than the midland. Though, for a time, the benefits of the union may not be felt in Scotland, an exemption can only be given in home consumpts for that time; but if the goods are brought into England, the duties must be paid. A free communication in trade, admits not of an equivalent being given; and it was impossible to decide on the land-tax, till information be obtained respecting the value of lands in Scotland *.

The Scotch Commissioners in reply, on the 25th stated, that they insisted, neither kingdom be
bound

* Appendix, No. L. p. ccclxix.

bound for the debts of the other, contracted previously to the union :—That if duties had not been laid on Scotland during the war, their soldiers and seamen had contributed their part in the service :—That the distance of Scotland from the seat of government did not afford it the same advantages of consumption with England, a circumstance which ought to exempt it from equal burdens :—That their present burdens were applied to defray the expences of government, which could not be supported, if these duties were to go to the payments of the debts of England :—That they were willing to pay the duty of nine pence on the ale, for the million granted for ninety nine years, provided no other duties should be laid on, for the purpose of paying the debts of England ; but still that an allowance must be due to Scotland :—That the inequality of taxes is only proposed, till both countries shall be in the same situation with respect to their debts :—That it was proposed, that Scotland should be placed in the same situation in respect of excise, with the Border Counties of England :—That with regard to the exemption from duties, there can be no period so proper, as when the debts of England shall be liquidated ; and they were ready to hear what regulations may be necessary for preventing frauds :

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—That they had already explained, either that they should be free from impositions of the duties appropriated to pay particular debts or have an equivalent:—That the losses in the Darien affair, had disabled the people of Scotland, for a long time, from foreign commercial adventures, and therefore that a sum must be appropriated, for encouraging their fishing and linen trade:—That they only insisted, the land-tax should not be higher than it formerly had been, but that a new survey of lands would be grievous and burdensome; and at all events that proposition had nothing to do with trade*.

On the 27th, the English Commissioners proposed, that the equality of duties, on home consumption, be left to the Parliaments of the two kingdoms, but that the produce must be applied to the payments of the debts in England.

The Scotch Commissioners adhered to their former opinion, that no duties on home consumption should be applied in payment of such debts, till such time as that country reaped the benefits of the privileges of trade; and farther, that the privileges of the Scotch Company do remain.†

On

* Appendix, No. L. p. ccclxxxii.

† Ibid: p. ccclxxxviii:

On the 28th, the Commissioners for England consented, that the Scotch duties should not be applicable to the payment of English debts, till such time as the benefits of trade derived from the union, enabled Scotland to pay equal duties on home consumpt; and that this subject be left to the determination of the respective Parliaments; but declared it to be inconsistent with union, to agree to the continuance of the Scottish Company, it having been found destructive, to allow two companies of the same nation to trade to the same foreign country.

The Scotch Commissioners explained, that they did not insist on an absolute exemption, but for a specified time; and it was agreed, that it be entered on the records, that neither kingdom be burdened with the debts of the other, contracted before the union; that no duty be levied in Scotland on home consumption, applicable to the payment of English debts; and that a time be allowed to the Scots to improve their trade, so as to be in a situation to bear additional duties on home consumpt*.

On the 1st of February, the Commissioners for Scotland claimed the continuance of the Afri-

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* Appendix, No. L. p. ccclxxxix and cccxci.

can Company, because upon the public faith, the adventurers had vested a stock of £.200,000 and had experienced losses, by the discouragement given them by the English; but if the existence of the two Companies be destructive, it was reasonable, that an equivalent should be given to the Scotch Company, for relinquishing their privileges*.

On the 3d of February, the Commissioners for England informed those for Scotland, that they expected a message from the Queen, adjourning the meeting, and made some propositions for future consideration. While these propositions were under consideration, the Queen's letter arrived, adjourning the meeting to the 4th of October; and in this manner terminated the first treaty of union by Queen Anne.

From the review of these proceedings, it will appear;

1st. That, the calamities of the Scots in their Darien expedition had made such an impression on them, that they met the Commissioners of England, with a resolution, either to obtain those privileges of trade which would exempt their countrymen from like disasters or to consider the union

* Appendix, No. L. p. cccxcii.

union to be impracticable ; for no difficulties appear to have been made on the subject of uniting the Parliaments, or admitting the act of succession, but only delays in acquiescing, till the privileges of trade should be conceded ; for it was admitted, that the country which gave up its commercial companies, was to make a sacrifice to the other, and the Scots had no difficulty in relinquishing theirs, provided an equivalent should be given, which would leave the English Company unembarrassed with a competitor.

2. That the English Commissioners, notwithstanding the progress of trade for a century, still entertained the narrow maxim, that the profits of this trade would be abridged, by introducing the industry of the Scots ; a principle now relinquished, by the extension of industry being found to be the true source of the wealth of nations.

As the breaking off of the treaty of union, in 1702-3, contrary to the wishes of the Queen, evidently proceeded from the resolution of England to retain an exclusive commerce, little notice was taken of this event, either in Parliament or by the public in England. The case, however, was very different in Scotland, where reflecting on the advances which had been made by the reiterated appointment

pointment of Commissioners to treat of an union, during a century ; and on the uniform refusal, by England, to admit the Scots to commercial privileges ; both the Parliament and the people felt the highest resentment.

On the meeting of Parliament on the 9th of September, it called on the Commissioners who had been appointed to treat of an union in England, for the minutes of their proceedings and decreed, that the commission was terminated, and that no new commission should be issued without the consent of Parliament* ; manifesting thus, that resentment which was ready, on the first opportunity, to proceed either to improvident measures or to violence.

The Scottish Parliament, in this state of sul-
len resentment, brought forward the plan which afterwards terminated in the Act of Security and which almost amounted to a declaration of hostility against England, but were adjourned and did not again meet till the 6th of July, 1704 ; and on the 11th, a letter from the Queen was laid before them, of which the following is the substance :—

That the distracted state of affairs in her ancient kingdom had occasioned much anxiety, but
that

* Appendix, No. LI. p. cccxcv.

that she was persuaded, the foundations of the animosities did not lay so deep, but that the measures she had pursued (she had hoped) would have produced something, very different from giving her enemies the prospect of profiting from the distracted state of her dominions :—That she trusted, the ministers in which she had put her confidence, would adopt such measures, as would satisfy her subjects of Scotland of their error :—That she was persuaded, their late proceedings had originated in this error only, not in disloyalty ; and in this belief, she hoped measures would be adopted for remedying abuses :—That she recommended to them, in particular, the settling the succession in the Protestant line, as absolutely necessary for the safety of all her dominions ; and without which, their country would be exposed, in common with her other dominions, to the calamities of war :—That she had given full powers to her High Commissioner to consent to whatever measures might be deemed necessary for the safety of her kingdom*.

On the 13th of July, the Parliament took this letter into consideration, and notwithstanding the strenuous endeavours of the Lord Chancellor, Lord Chromarty the Secretary of State, and the
other

* Appendix, No. LII. p. cccxcvi.

other ministers, it was resolved by a majority of fifty-five, that the Parliaments would not nominate a successor, unless a treaty of commerce with England should be previously made, and until such limitations and conditions shall be settled by Parliament, as may secure the religion, liberty, and independence of the nation*.

As the acquiescence in the succession was the great object of the Queen, the supplies for the support of the forces were withheld, till the Queen's pleasure should be known respecting the Act of Security, which had been debated in the preceding sessions; and it was resolved to mark on this act and on that for the supply, a first reading only, till her Majesty's Commissioner should receive instructions on the Act of Security; the Parliament therefore was adjourned to the 3d of August.

On the 5th of August it would appear, that the High Commissioner had received the Queen's consent to the Act of Security; the Act was in substance as follows:—That in the event of the demise of the Queen, or the death of any of her Majesty's heirs or successors, the present Parliament, or any other Parliament that shall be then
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* Appendix, No. LIII. p. cccci.

in being, shall not be dissolved but shall be required and ordained to sit and act at Edinburgh, on the twentieth day after the said demise; and if the Parliament be adjourned at the time of the said demise, it shall notwithstanding meet on the said day; and if no Parliament be in being at the time of the demise, that then the Estates or members of the last preceding Parliament shall assemble at Edinburgh, without regard to any Parliament that may be "indicted" but never met; and if there be any vacancies of members, shall have power to supply them in the accustomed manner:—That all persons who were or have been Papists, unless they shall subscribe the formula, agreeably to the act 1700, shall be excluded from being electors or being elected members; and that all Englishmen or foreigners who may have a Scotch title and do not possess 12,000 pounds Scots yearly rent, in the kingdom, shall have no vote in the meeting of the Estates:—That such Estates shall be empowered to administer the government, and to read to the heir or successor, the claim of right and the coronation oath, within thirty days after the meeting of the Estates, to enable him to assume the regal power; and in case the said heir be a minor, to administer the like oaths to the regent or regents:—That the above

Estates shall have powers to name the successor to the Crown, provided he be of the royal line of Scotland and of the Protestant religion and be not heir to the Crown of England, unless, during her Majesty's life, provision be made for recognising the independence of the Crown of Scotland, and the freedom and frequent meetings of Parliament, and such regulations regarding the established religion and the trade of the nation, as may prevent the influence of the English or any foreign power, which may be inconsistent with the privileges of the kingdom; and also to add such farther conditions of government, as they may think necessary and consistent with any acts of Parliament that may be enacted, during her Majesty's reign:—That it shall be deemed high treason, for any person to administer the coronation oath, but by the appointment of the Estates, or to own any person as sovereign of the kingdom, till they have taken the coronation oath and the claim of rights, and agree to such conditions as the Estates may deem expedient:—The government to be vested, during the twenty days after the demise of the Queen, in such members of the Estates of Parliament and of the Privy Council, as may be at Edinburgh at the time of the demise, or may come to it within the said space of twenty days:—That thirty
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of such members shall be a quorum:—That all commissions granted by the former King or Queen, shall become void, except those of sheriffs, justices of the peace, &c.—That all Protestants prepare fire arms, and be disciplined once every month, and all officers repair to their respective garrisons, on hearing of such demise:—And finally, that all other acts, inconsistent with this act, be rescinded, and declared null and void*.

This act was evidently intended, either to bring the English Parliament to reasonable terms, in a treaty of Union, particularly in the article of trade, or once more to separate the two countries, and place them in their ancient state of hostility.

To prevent immediate violence the Parliament was adjourned, and did not again meet till the 28th of June, 1705; when the Queen's ministry being changed, conciliatory measures were adopted for again bringing forward the treaty of union.

Several events occurred, during this crisis, which had nearly forced the multitude to a less

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* Appendix, No. LIV. p. cccii.—Scotch Acts of Parliament, Vol. III. p. 649.

governed opposition, than Parliament on reflection would have been susceptible of.

The losses of the African Company had been considerable, and in the minds of the people these misfortunes were uniformly ascribed to the English in their foreign settlements.

The *Worcester*, Captain Green, an English East-Indiaman, had, by contrary winds or for convoy, put into the harbour of Burnt-island. The English East-India Company had at this time seized a ship of the Scotch African Company, at London, and the *Worcester* was detained by way of reprisal. Some of her crew accused Green of having made prize of a Scotch vessel in the East-Indies, and of having murdered Drummond her commander, and all his crew. Green was tried for piracy, robbery, and murder, and with two of his crew executed.*

The fury of the populace against these unfortunate men was so great, as to threaten a general tumult and even the life of the Chancellor was endangered.

The populace in England were equally violent, and such was the ferment in the one nation against the other, that the minds of both were prepared for every act of violence and hostility.

While

* De Foe, p. 46.

While the kingdoms were in this agitation, the Act of Security was considered in England, both in Parliament and out of it, as a declaration of war, and the newspapers informed their credulous English readers, that 60,000 Scots were trained and prepared for an invasion.*

The clause in the Act of Security, which excluded the successor to the Crown from governing both kingdoms, was held to be a declaration of an intention to restore King James; and matters were brought to that crisis, that either a war or a treaty was unavoidable.

Soon after the meeting of Parliament the disputes between the kingdoms took a serious aspect. An inquiry respecting the state of the nation, in reference to Scotland, was instituted; and on the 23d of November, the House of Peers resolved to go into a Committee on the 29th.*

On the 6th of December, this Committee reported; that upon consideration of the several acts of Parliament lately passed in Scotland, and the dangerous consequences that may follow from them as to the trade, and to the present and future peace of England, the most proper way to prevent

* De Foe, p. 51.

† Lord's Journal, Vol. XVII, p. 584.

vent those ills, will be to pass a law for opposing them.*

On the 11th, Lord Sunderland reported; that it is the opinion of the Committee, that one proper head of a bill, to prevent the ill effects of the late acts of Parliament in Scotland would be, to empower her Majesty to nominate and appoint Commissioners, on the part of England, to treat of a perfect and entire union with Scotland; these Commissioners to meet with such as might be appointed by the Parliament of Scotland:—That another bill should be, the prohibiting the subjects of Scotland, except such as may be settled inhabitants in England, Ireland, or the Plantations, or employed in the fleet and army, from having the freedom or privileges of Englishmen, till such time as an union be settled between the two kingdoms, or the succession to the Crown declared by act of Parliament in Scotland:—That a third bill should be, for prohibiting cattle or sheep being brought from Scotland into England or Ireland, till the same events take place:—That a fourth bill should be, to enable the Lord High Admiral of England to give instructions to the commanders of the navy, to seize on all Scotch ships, trading

* Lord's Journal, Vol. XVII. p. 592.

ding with her Majesty's enemies:—And that a fifth bill should pass, prohibiting the exportation of wool, from England or Ireland, to Scotland:—which bills were accordingly ordered.*

On the 16th of December, the Committee gave it further as their opinion, that an address be offered to the Queen to issue orders to put Newcastle, Tinmouth, Berwick, Carlisle, and Hull, in a state of defence: to direct the laws to be put in force, in respect of the arms and horses in the possession of Papists, or persons neglecting to take the oaths: to cause the militia of the four northern counties to be disciplined, and a competent number of troops to be kept up on the northern borders. And two bills were then read a first time, one relating to an union with Scotland, and another for preventing the exportation of wool into that country, and for preventing its trading with her Majesty's enemies†.

The bill for the union of Scotland was again read on the 16th‡, and engrossed on the 18th§; and was passed on the 20th, and sent down to the Commons||. On the 21st, an address was ordered to

* Appendix, No. LV. p. cccix.

† Ibid. Lords Journals, Vol. XVII. p. 602.

‡ Ibid. p. 603.

§ Ibid. p. 605.

|| Ibid. p. 606.

to the Queen by the whole House, requesting to give orders, agreeably to the preceding resolutions, for putting the northern counties in a state of defence, and for calling out the militia in them*. This address was presented on the 22d†,—when the Queen gave for answer, that she would order the proper survey to be made, and such troops as could be spared‡, to be quartered on the northern borders§.

On the 15th January, 1704-5, a message was sent by the Lords to the Commons, to put them in mind of the bill for appointing Commissioners, and for preventing the inconveniencies of different laws lately made in Scotland§, as both bills highly concerned the peace and welfare of the nation.

On the 1st of February, the Commons sent up a bill for securing the kingdom against the dangers that may arise from several acts passed in the Parliament of Scotland, which was read a first and second time||,—and passed by the Lords on the 2d¶.

By

* Appendix, No. LV. p. cccix. Lords Journals, Vol. XVII. p. 607.

† Ibid. p. 608.

‡ Ibid. 609.

§ Ibid. p. 116.

|| Ibid. p. 641,

¶ Ibid. p. 645.

By this act, the Queen was empowered to appoint Commissioners, under the great seal, to treat with Commissioners authorized by the Parliament of Scotland; but this commission not to commence till the Parliament of Scotland should pass an act to the like effect.

This act comprehended also clauses, prohibiting the natives of Scotland from being supplied with arms and ammunition by England, and scotch cattle being brought into England*; but Parliament was dissolved during this ferment, on the 5th of April, 1705,—and a new one directed to meet on the 1st of May†.

The new Parliament did not however meet till the 27th of October, 1705, when the Queen acquainted both Houses, that an act had lately passed in Scotland, authorizing her to appoint Commissioners to treat with those of England, for an union, which she was persuaded was the only means which could effectually conduce to the peace and happiness of both nations; and that her intention was, in a short time, to cause a commission to be made out‡.

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* Appendix, No. LVI. p. ccccxiv. Statutes at Large, Vol. IV. p. 178.

† Lords Journals, Vol. XVII. p. 720.

‡ Ibid. Vol. XVIII. p. 7.

On the 13th November, an address was ordered, beseeching her Majesty to order to be laid before the House, what had passed since the last session of Parliament in England, in relation to the succession of the Crown of Scotland, that the House might be better enabled to give her Majesty advice and assistance upon this occasion *.

On the 14th, the Queen gave orders accordingly †; and on the 23d, the papers were laid before the Lords ‡. They consisted of the Queen's letters to the Parliament of Scotland, dated 18th June 1705, and the resolutions of the Parliament of Scotland to authorize the Queen to appoint Commissioners, under certain conditions.

It will be proper, in this stage of the business, to advert to the proceedings in the Parliament of Scotland, that we may ascertain the dispositions with which they met the Queen's recommendation, and the measures which they adopted, to counterbalance the laws which had been made against them by the Parliament of England.

In a letter from the Queen, dated 18th June, and read in the Scotch Parliament the 3d July,

* Lords, Journals, Vol. XVIII. p. 17.

† Ib. p. 18.

‡ Ib. p. 23.

July, she assures it of her wishes to preserve the government, as by law established; reminds it of her great earnestness for the settlement of the succession in the Protestant line, and of her wishes that it would proceed on that business, in preference to all other matters; expresses her desire, that it would take into consideration the great benefit which would arise from an union with England, which she considered to be the only means of composing the differences between the two nations; recommends the passing an Act, as the Parliament of England had done, empowering her to appoint Commissioners, and the granting the necessary supplies for the war; and informs it, that she had empowered the Duke of Argyle, her High Commissioner, to give the royal assent to whatever laws may be found for the good and advantage of the kingdom, or may contribute to the happiness and satisfaction of the people*.

The Duke of Argyle stated to the Parliament, the necessity of settling the succession in the Protestant line, as the most effectual means for disappointing the designs of the enemy, and the granting a commission for an union, as not less so, to secure the national tranquillity.

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* Appendix, No. LVII. p. ccccxviii.

The Chancellor warmly seconded these recommendations, but such was the resentment, on account of the late acts passed in England, that the following motions were made :

That the Parliament shall first take into consideration, the limitations and conditions, under which it will be necessary to place the next successor to the Crown in the Protestant line :—That it will next enter on the adoption of regulations for trade and coin, with the circumstances of the nation relatively to England, and the grounds upon which a treaty with that country could be entered on. This last motion was withdrawn ; but after a debate of six hours it was carried, to proceed first to the consideration of coin and trade.

Two acts were introduced on the 10th July, one prohibiting the importation of corn from England or Ireland, and another the importation of English, Irish, and other foreign butter and cheese.*

On the 17th June, the Parliament came to the following resolutions : That it would not proceed to the nomination of a successor to the Crown previously to a treaty with England, in relation to commerce

* A collection of the Parliamentary Debates in England, published in 1742, to which is added Debates in the Scotch Parliament, 1704-5, Vol. IV. p. 458.

commerce and other concerns with that nation; and in the mean time, that it would enact such limitations and conditions of government, for the improvement of the constitution, as may secure the liberty, religion, and independency of the kingdom, and then consider of the nomination of Commissioners.

On the 26th July, Mr. Fletcher of Salton moved, that it was not consistent with the honor and interest of this independent kingdom, to make any act, or to appoint Commissioners, until the Parliament of England do propose the same, "in a more neighbourly manner;" but that notwithstanding the act for effectually securing the kingdom of England, &c. the Parliament of Scotland were willing, in order to a good understanding between the two nations, to enter into a treaty with England.

The debates became extremely violent, and propositions, directly subversive of the constitution, were brought forward; such were, That under the next succession to the Crown, a Parliament should be elected annually:—That the successor to the Crown shall not, without consent of Parliament, have the power of making peace or war, or any treaty with any other state:—That no military establishment shall in future be kept up,

up but by consent of Parliament:—That all the fencible men of the nation, from sixteen to sixty, shall be armed with firelocks and bayonets, and have suitable ammunition, &c.*

These extravagant opinions were followed by proposals for an act for a triennial Parliament; and it was debated, whether this measure should take effect during the Queen's reign, or not till the reign of her successor.†

A short time appears, however, to have brought the Scottish Parliament to a more temperate conduct, as from its records it appears, that on the 31st of August, it agreed to an act for a treaty of union with England.

On the 1st of September, the draft of this act was read and debated; and it was moved first, to take under consideration the clause in the English act which declared the subjects of Scotland to be aliens, after the 25th day of December, 1705, and resolved, as a preliminary to any treaty of union, that the Commissioners to be appointed, shall not leave Scotland, till this act be repealed by England.

The

* Collection of Parliamentary Debates, Vol. IV. p. 459 to 461.

† Ibid. p. 463.

The more temperate proposed, that this resolution should be the subject of a separate act; which was agreed to.

The next question agitated was, whether the Commissioners should be nominated by her Majesty, or by the Estates of Parliament. It was agreed by a majority, to leave the nomination to the Queen; against which the Duke of Athol, and a very large minority protested.

On the 4th, the draft of an address to the Queen was read by the Earl of Sutherland, and a counter address by Mr. Fletcher, of Salton.

A refinement was here introduced, whether the parliament should proceed by way of *order* of Parliament, or by *Act* of Parliament, and after a long debate, it was carried by way of *order* and *address*.

This being settled, it was unanimously agreed, that the Commissioners to be named by her Majesty for Scotland shall not commence the treaty of union, until a clause in the English act, declaring the subjects of Scotland aliens, be rescinded.

An address to the Queen was then approved of, to the following purpose:—That in compliance with her Majesty's desire, signified in her letter, recommending to the Parliament of Scotland to pass an act, for a commission to treat of
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an union between the kingdoms of Scotland and England, as a measure that would contribute to the honor of the Queen, and the good and advantage of both kingdoms, the Parliament of Scotland had agreed to the passing of such act, in the most fair and equal terms that could be expected, leaving to her Majesty the nomination of the Commissioners, and the appointment of the time and place of meeting with the Commissioners of England:— That though it had forborne, to take any notice of a clause in the act of the Parliament of England, for securing it against the dangers, that may arise from several acts lately passed in Scotland, yet, as this clause had declared her subjects of Scotland to be aliens, born out of the allegiance of the Queen of England, they with submission signified to her Majesty, that both her Parliament and the whole nation of Scotland are most sensible of the great injury done them, in being denied those rights and privileges in England, which the subjects of England do enjoy in Scotland ; and those rights and privileges which the subjects of Scotland have constantly possessed, as a legal or a necessary consequence of being the natural born subjects of the same sovereign ; and privileges which had been admitted by the courts and judicatures of both nations :—That therefore, they had unanimously

nimously agreed, that the Commissioners to be named for Scotland shall not commence any treaty with England, until the said clause in the English act shall be previously repealed; and therefore they pray her Majesty to give directions, that the said act be repealed, in order that the treaty of union, so much desired, may commence and proceed with the wished for success.

On the 21st of September, after having thus conditionally agreed to a commission, the Parliament of Scotland took into consideration the settlement of the succession in the Protestant line, failing heirs to the Queen, which had been so earnestly recommended to it; and also, the means to be adopted, for entering into a treaty with England, for extinguishing the animosities which had unhappily prevailed between the two nations; and resolved, that such persons as shall be nominated by her Majesty, shall be deemed to have full power to meet and to consult, at such times and places as her Majesty may appoint, and to treat with those who may be authorized by the Parliament of England, concerning the union of the two kingdoms, or such other matters, as upon mature consideration, the Commissioners for England and Scotland may think necessary and convenient,

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for the honor of her Majesty and the good of both realms.

These Commissioners were to reduce their proceedings into three several writings, to be subscribed and sealed, one to be presented to the Queen, another to the Parliament of Scotland, and a third to the Parliament of England, at the next sessions to be held respectively in each kingdom, to the end that such further proceedings may take place, as her Majesty and the two Parliaments may deem to be for the good of both realms, reserving to the said Parliaments the entire consideration of the whole subject, and the allowing or disallowing the same or any part thereof, as they shall think fit; and that no part of the articles agreed on by the Commissioners shall have any strength or effect till confirmed by authority of the Parliament of Scotland; declaring besides that the said Commissioners shall have no power to treat, of or concerning any alteration of the worship, discipline, or government of the church of Scotland, as by law established*.

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* Scots Acts of Parliament, Vol. III. page 696.—2 Ann.
1 Parliament, cap. 4.—Appendix, No. LIX. p. ccccxii.

Note, This Appendix, which is taken from the records in
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We left the English Parliament with the papers regarding the transactions in Scotland, as laid before the House of Lords on the 23d of November, 1705, and have therefore now to follow up its transactions, till like the Parliament of Scotland, it authorized the Queen to appoint Commissioners to treat of an union.

The Earl of Manchester reported to the House of Lords, on the 23d of November, that it was the opinion of the Committee, that her Ma-

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the Parliaments of Scotland, shews, that the papers laid before the House of Lords in England, on the 13th of November, 1705, comprehended only such general proceedings of the Scottish Parliament, as were the least calculated to rekindle the animosities between the two nations.

The Queen's letter is dated according to the Lords Journals, 18th of June, but by the Scotch records, on the 3d of July, is printed in the Lords Journals, Vol. XVIII. p. 26, and is verbatim, as inserted in the Scotch records. But the act of the Estates of the Parliament of Scotland, appointing Commissioners, did not take place till the 21st of September, and is inserted in the Lords Journals, under date of 17th of July; and previously to the letter of the Estates to the Queen, which was, in fact, agreed on at the meeting of the Parliament of Scotland on the 4th of September; so that in the Journals it would appear, the Queen's ministers had, with much prudence, produced only such papers, and in such form, as would in the least irritate the English Parliament, by any circumstance that might retard the treaty of union.

jeſty had, in the moſt earneſt manner, recommended to the Parliament of Scotland the ſettlement of the ſucceſſion of the Crown in the Proteſtant line, and done what in her lay, to procure an entire union of the two kingdoms:—That for theſe ends, all the clauſes in the act for effectually ſecuring the kingdom of England, from the apparent dangers which may ariſe from the ſeveral acts lately paſſed in Scotland, be repealed, except thoſe that relate to the empowering her Majeſty to name Commiſſioners for a treaty of union with Scotland. The Judges therefore were directed to prepare and bring in a bill, upon this reſolution *.

This bill was proceeded on, at the ſame time with thoſe for the ſecurity of the Queen's perſon, and for the naturalization of the Princeſs Sophia, Electoreſs Dowager of Hanover, and read a ſecond time on the 28th of November,† paſſed on the 29th, and ſent to the Commons on that day.‡ This act paſſed both Houſes, and received the royal aſſent on the 21ſt of December, when the Queen, in a ſpeech, thanked the Parlia-

* Lord's Journals, Vol. XVIII. p. 27 and 28.

† Ibid. p. 33.

‡ Ibid. p. 34.

Parliament for the good disposition it had shewn towards an union with Scotland, and trusted, that it would prove for the advantage and quiet of both kingdoms.*

Her Majesty was thus empowered to appoint Commissioners, under the great seal of England, to treat with Commissioners for the Parliament of Scotland, for an union of the two kingdoms. These Commissioners were to reduce their proceedings into writings, quadrupartite, one part for the Queen, one for each House of Parliament, and one for the Parliament of Scotland. The articles were not to have force till confirmed by the two Parliaments. The Commissioners were prohibited to treat, as those of Scotland had been, regarding their church, of any alteration in the liturgy or church government of the church of England.

The part thus of the act, 3 and 4 of Q. Anne, cap. 7, which empowered the Queen to appoint Commissioners to treat of an union, was freed from those objectionable clauses which had

* Lord's Journals, Vol. XVIII. p. 59. Vol. IV. p. 186.
3 and 4. Queen Anne, cap. 3.

had created such offence in Scotland ; * and the Queen, at the close of the session, on the 19th of March 1705, returned her thanks to Parliament, for the wise and effectual provisions it had made, for securing the Protestant succession in the kingdom, and the advances towards procuring the like settlement, in the kingdom of Scotland and an happy union of both nations. †

The acts of Parliament in Scotland and in England, having empowered her Majesty to name Commissioners, we find the nomination for the former kingdom took place on the 27th day of February, and that for the latter, on the 10th of April, 1706.

The Scotch commission proceeds upon the circumstance of an act having passed in the English Parliament, authorizing the Queen to name Commissioners, as a measure calculated for the common interest of both kingdoms ; and empowers the commissioners to deliberate and agree on such articles, as have already been specified in the English act of Parliament. The number of the Commissioners was thirty, nine
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* Appendix, No. LX — Statutes at Large, Vol. IV. p. 178.—3 and 4 Q. Anne, cap. 7.

† Lord's Journals, Vol. XVIII. p. 164.

of whom were to be a quorum, to meet with the English Commissioners at Westminster, on the 16th day of April ; and the articles which might be agreed on, were to be signed and sealed by the Commissioners for both kingdoms, one copy to be presented to the Queen, one to the Parliament of Scotland, and one to the Parliament of England.*

The commission, in like manner, for England comprehended thirty persons, any seven or more of whom were to be a *quorum*, and to meet at the Cockpit, Whitehall, on the 16th day of April, with the Commissioners for Scotland, and to reduce their writing into instruments quadrupartite, which, in like manner, were to be subscribed and sealed, and copies to be presented to the Queen, to each House of Parliament in England, and to the Parliament in Scotland ; specifying the power of Parliament to allow and disallow the articles, and directing, that they should be signed and sealed by the Commissioners of both kingdoms †.

From the rank and offices held by the Commissioners in both kingdoms, the selection made
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† Appendix, No. LX. p. ccccxv.

† Ibid, No. LXI. p. cccxli.

by the Queen appears to have consisted of men of the greatest influence in each kingdom *.

The Lord Keeper of the Great Seal of England opened the business on the 16th of April, with assurances to the Commissioners for Scotland, of zeal to promote the common advantage of both kingdoms, and of their intentions to remove all difficulties, so as to render the union satisfactory to her Majesty and to both Parliaments †.

The Lord Chancellor of Scotland made similar professions, trusting that as the kingdoms were united in allegiance, every effort would be made by the Commissioners for Scotland, to meet her Majesty's gracious intentions, and to bring the treaty to such a conclusion, as might be acceptable to the Queen and the Parliaments of both kingdoms ‡.

On the 22d, the following preliminaries were agreed on :—All proposals were to be reduced to writings :—The writings were not to be obligatory till the articles should be finally adjusted, as proper to be laid before the Queen and the two Parliaments :—A Committee was to be appointed to

* Appendix, No. LXII. p. ccccxlvi.

† Ibid, No. LXIII. p. ccccl.

‡ Ibid, p. cccclii.

to revise the minutes, before insertion by the respective Secretaries, and the proceedings during the treaty were to be kept secret*.

The treaty opened with a proposal of the Commissioners for England, that Scotland and England should be united into the kingdom of Great Britain, the succession to the throne of which to be conformably to the act in England, the 12 and 13 of King William †.

The Commissioners for Scotland accorded, in so far as regarded the succession, specifying in explanation, that the subjects of Scotland and England were to enjoy, reciprocally, the same privileges in both kingdoms, the same intercourse of trade and navigation; and that all laws should be repealed, contrary to this union. These specifications however the Commissioners for England wished to have postponed, till the general articles should be agreed on ‡.

On the 25th, the Scotch Commissioners acceded to the general proposals, which had been offered on the part of the English, as to the kingdom of Great Britain; subjoining, that it be re-

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presented

* Appendix, No. LXIII. p. ccccliii.

† Ibid, p. ccccliv.

‡ Ibid, p. cccclv.

presented by one Parliament; and failing heirs of her Majesty, that the succession be in the Electress Dowager of Hanover, and her heirs, being Protestants, still explaining this acquiescence, as proceeding upon a freedom of trade and navigation being given to the united kingdom. To this the English Commissioners agreed, with the reserve of, in so far as such agreement might be consistent with the subsequent terms in the treaty*.

On the 29th, the Commissioners for England proposed, that the same customs, excise, and all other taxes, and the same prohibitions, restrictions, and regulations should be established, throughout the united kingdom†.

On this the Commissioners for Scotland suggested the appointment of a General Committee, to report. Eleven on each side were appointed on the 1st of May, any six of whom were authorized to proceed‡.

On the 6th of May, an account of the revenues and income of England, and of its debts was produced, and on the 9th, a similar account of those of Scotland; and it was explained by the
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* Appendix, No. LXIII. p. cccclvi.

† Ibid. p. cccclvii.

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the Commissioners of the latter kingdom, that they agreed, that all parts of the united kingdom should be under the same regulations, &c. and liable to the same duties of import and export; but in regard, that several of the duties of customs in England had been appropriated for the payment of debts belonging to England, they proposed, that an equivalent should be allowed to Scotland; and farther, that the subjects of either kingdom should be liable to an equal land-tax, provided the proportion for Scotland should only be for £.12,000, when one shilling in the pound land-tax was imposed on England, so that £.48,000 in Scotland, should be reckoned equal to the four shillings in the pound, now imposed on England, and so proportionably, but free of all charges; and further, that neither of the kingdoms should be burdened with the debts of the other, contracted before the union.

On the 13th, the Scotch Commissioners agreed, that the excise do extend to ale, beer, mum, cyder, sweets, perry, low wines, aqua vitæ, and spirits, but requiring exemptions from all other burdens of excise, for a competent time, to be settled in the course of the treaty; but if an equal proportion of excise should be laid on the exports from Scotland, they were ready to enter

on the consideration of an equivalent, in consequence of being taxed for payment of the debts of England.

The Commissioners for England explained, that the duties should be upon exports in Scotland, in general, not to the Plantations only; and on the 15th of May, specified the particular duties, not included in those to which the Scots had acceded, *viz.* the duties on stamped paper, vellum, and parchment, from which Scotland might be exempted till the 1st of August, 1710; the duties on windows and lights, till the said term; the duties on coals and culm, to the same term, to be consumed in the kingdom of Scotland; the duty on malt to the same term; the duties on salt used in Scotland, for a competent time, to be settled in the progress of the treaty, provided effectual means be taken, that the same duties as are payable in England, be paid and collected in Scotland after the union: The general principle of an equality of excises and burdens, on goods exported to all places whatsoever, was fixed; but the Scotch Commissioners pleaded the necessity of proposing a general exemption to Scotland, for a competent time, from all other
excises

excises and burdens, besides those great duties and taxes already specified.*

The Commissioners for England, on the 18th replied, that it cannot be supposed the Parliament of Great Britain would lay any burdens on the united kingdom, but what may be necessary for the preservation and good of the whole, and that to allow any supposition to the contrary, would be to set up an argument against the union, therefore, they required the Commissioners for Scotland to take the several particulars, on which exemptions were asked, into their farther consideration.

On the 21st, the Commissioners for Scotland stated; First, that as the duties on stamped paper, vellum, and parchment can have no influence on trade and manufactures, and would affect the securities of land in Scotland, and besides would be of small value and chargeable in the collecting, therefore that the exemption on this article should extend beyond the year 1710:—Second, that with respect to the other duties, which expired in the year 1710, or sooner, they do understand, that the exemption is to extend to the duty laid on cinders:—Third, that as to
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* Appendix, No. LXIII. p. cccclix.

the duty on salt, since the Commissioners for England had agreed to the exemption to Scotland, for a competent time after the union, of all salt consumed in kind, or used for provisions, within Scotland, provided that effectual measures be devised for securing the like duties in Scotland after the union, as are now payable in England, on all salt exported from Scotland, they would submit a scheme of regulations for that effect, but were ready to agree to whatever farther methods the Commissioners for England might suggest for that security, and doubted not, but Scotland would be exempted from any duties laid on by the Parliament of England before the union, except those already agreed on; with this explanation, they did not insist on this point, but would allow the exemption to be determined by the Parliament of Great Britain.*

The plan for securing the duty on salt consisted in;—a prohibition to carry salt from Scotland to England by land; an entry of all salt at the Custom House (if the salt be water-borne) specifying the port to which the ship should be bound, and if within Scotland, a security given for the duty, payable in six months, on condition
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* Appendix, No. LXIII. p. cccclix.

that a certificate be returned from a collector at the port, that the quantity was found loaded in the ship, without fraud, a reasonable allowance being made for waste; the security, in this case, for the duty, to become void, but in case the vessel be bound for England or the Plantations, the duty chargeable on like salt in England, to be presently paid in money, and a certificate given, subscribed by the collectors, expressing the quantity entered, and the duty paid:—In case of evading these conditions, the ship to be confiscated, and the master imprisoned for three months; or in case of fraud or connivance in the Custom House officers, such officers to be liable to pay one year's salary, and to be deprived of his office.

With respect to provisions salted for exportation, the same being appointed to be cured with foreign salt, by the law of Scotland, such foreign salt to be used without any mixture, either of Scotch or English salt, but this point to come under the regulations for foreign trade*.

While the treaty was in this state of progress, the Queen came to the meeting of the Commissioners, expressed her anxious concern for the
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* Appendix, No. LXIII. p. cccclix.

happy settlement of the union, and recommended as much dispatch as the nature of the business would admit, and trusted, that difficulties might be overcome, for the attainment of so great and public a good: and in the same manner, on the 26th of June, expressed her anxiety for a speedy and happy conclusion of the business. *

On the 23d of May, the Commissioners for England agreed, that as it had been already settled, Scotland should be exempted from the duty on stamped paper, vellum and parchment, till the 1st of August 1710, it should not be charged with any other part of that duty, by any law now in force in England. They next agreed, that Scotland should be exempted from the duty on coals, culm, &c.

On the subject of securities against fraud in the salt trade, they postponed fixing the time of exemption to Scotland, till they could receive farther information from the officers employed in England in that department, but admitted an exemption to Scotland, for the charges of the service, for the year 1707, provided, if the Parliament of England shall lay a farther duty of customs and excise, the Parliament of Scotland do bear an equal burden

* Appendix, No. LXIII. p. cccclxviii:

den in such taxes; and lastly, contended, that whenever the sum of £1,997,763. 8s. 4½*d.* shall be enacted by the Parliament of Great Britain, to be raised in England on land, that the kingdom of Scotland shall be charged by the same act, for £48,000 as the quota of that kingdom, and so proportionably for any greater or lesser sum, raised in the kingdom of England, by any tax upon land, or other things, usually charged together with the land-tax *.

On the 24th of May, the Commissioners for Scotland agreed to accept the terms, respecting the duties on stamped paper, vellum, parchment, cinders, and the quota of land-tax, and acquiesced in the delay respecting the salt; but held the proposal about providing for the service 1707, as an admission, on the part of England, that Scotland shall remain exempted from all other duties laid on by the Parliament of England before the union, except those consented to, and to bear an equal burden in farther duties of customs and excise, provided an equivalent be settled by the Parliament of Great Britain,

On the 29th of May, the Commissioners for Scotland introduced their important proposal, re-

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* Appendix, No. LXIII. p. cccclxix.

specting the government and laws of the country, explaining, that as an equality of customs and excise had already been consented to, and the same regulations for trade admitted, for the united kingdom after the union, they now submit:—

—That all other laws in use within Scotland, do remain in the same force as before the union, but alterable by the Parliament of Great Britain, with this distinction, that the laws concerning public right, policy, and government, be made the same in the whole united kingdom, but that no alteration be made in the laws which concern private right, except for evident utility to the subjects of Scotland:—

—That the Judicatures, *viz.* the Court of Session or College of Justice, do remain, in all time coming within Scotland, as it is now constituted by the laws in that kingdom, subject to such regulations for the better administration of Justice, as shall be made by the Parliament of Great Britain—

—That the Court of Justiciary do, in like manner, remain, but subject to similar regulations made by the Parliament of Great Britain, and without prejudice to other rights of justiciary.

That all other Courts within the kingdom of Scotland, do remain subject to like alterations by the Parliament of Great Britain; and that all inferior

inferior courts remain subordinate, as they now are, to the supreme courts of justice :—

—That no causes in the kingdom of Scotland be cognizable by the Courts of Chancery, Queen's Bench, Common Pleas, or any other court in Westminster Hall, which shall have no power to review or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same.

That there be a Court of Exchequer in Scotland, after the union, for judging in all questions regarding the revenues of customs and excise, with the same powers and authority as the Court of Exchequer has in England ; and to pass signatures, gifts, tutories, &c. as the Court of Exchequer, at present in Scotland have, which court to remain till a new Court of Exchequer be settled by the Parliament of Great Britain.

—That after the union, the Queen and her successors may continue a Privy Council in Scotland, for preserving public peace and order, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end :—

—That all heretable offices and jurisdictions, and all offices of jurisdiction for life, be reserved to the owners as right of property, notwithstanding

ing this treaty, and be enjoyed as they now are by the law of Scotland:—

—That the rights and privileges of the royal boroughs in Scotland do remain entire, after the union.—

On the 30th of May, the Commissioners for England agreed to these propositions, reserving only for further consideration, the Courts of Admiralty*.

On the 5th of June, the Commissioners for England gave their explanation, on the salt trade between England and Scotland, *viz* ;—

—That the transport of salt from Scotland to England, by land, be prohibited, under the penalty of the forfeiture of the salt, the cattle, and carriages, a fine of twenty shillings for each bushel and the imprisonment of the party for six months, or until the penalty be paid :—

—That salt water-borne, be under the regulations proposed by the Commissioners for Scotland ; but that the salt, so imported, pay the same duties as on salt made in England ; and that these duties be levied and secured in the same manner as those on foreign salt :—

—That salt may be exported from Scotland to the Plantations, or to other foreign countries, without

* Appendix, No. LXIII. p. cccclxxiii.

without such duty, in regard the duty paid for the same is to be repaid :—

That the duty on salted fish shall be paid in England, upon the importation, and repaid upon the said fish being exported to foreign parts.

That salted flesh exported from Scotland, in regard that this article is cured with salt, for which the duty has been paid on the salt used in curing, that is, in each hundred weight, a duty equal to the duty payable in England, amounting to two shillings, the said two shillings shall not be exacted in England, upon every hundred weight of salted flesh imported from Scotland, provided entry has been first made at the Custom House in Scotland, of the quantity, the port in England to which the vessel is bound, and security given, that the said goods shall be landed at the port, for which the same has been entered, or at some other port in England, sea hazard and enemies excepted, the bond then to be delivered up, on a certificate from the officers of Customs at the port where the goods have been landed. The said duty of two shillings to be paid in Scotland, if the salted flesh be exported from thence to any other part, besides England; and the transport of such goods by land, to be liable to the same penalties as those on salt, so carried. These temporary regulations
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to be subject to such provisions, as may be thought fit by the Parliament of Great Britain; and, finally, that the exemption from duty on salt, for home consumpt, be for the term of seven years after the union.

The Commissioners for Scotland, on the 7th, required, that it be understood, that a double duty be not laid on foreign salt, exported from Scotland to England, or one duty in Scotland and another in England, but only that the foreign salt be charged with the same duties in Scotland, after the union, as the like salt is charged with in England, a certificate being produced from the Custom House in Scotland to the Custom House in England, that the duty has already been paid; and farther required, that a distinction be made between fish cured with Scotch and foreign salt, and flesh so cured not to pay a second duty in England; and if, at the expiration of the seven years, a new duty be laid on salt, that Scotland have an equivalent.

The Commissioners for England replied, on the 15th, it was not their intention, that foreign salt should pay double duties, one duty in Scotland and another in England, but that the same duty only should be paid in Scotland as in England; and that Scotch salt, exported to the Plan-

rations, should pay the same duties as English salt did :—That salted fish or flesh, with Scotch or a mixture of Scotch and foreign salt, should be liable to confiscation, if brought into England or carried to the Plantations ; and that the equivalent for such salt duty in Scotland, was only to be given in consideration of such part of said duty, as shall be applied in payment of the debts of England.*

The Scotch Commissioners, on the 21st, agreed to this explanation ; but as the whole duty on salt was to go in payment of the English debts, it was to be understood, that an equivalent was to be given.

The Commissioners for England replied, on the 22d, that the whole duties on salt were not appropriated to the payment of the debts of England : for instance, that twelve-pence per bushel was appropriated no longer than till the 1st of August, 1710, and the two shillings and four-pence per bushel, with other duties, were appropriated to the payment of £.160,000 to the East India Company, and redeemable by Parliament :—That the surplufage above that sum, was not appropriated to the debts of England,
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* Appendix, No. LXIII. p. cccclxxvi.

so that the equivalent which Scotland was to receive, ought to be extended to such part of the duty only, as might be applicable to the payment of English debts. In this, the Commissioners for Scotland acquiesced, on the 25th of June.

In connexion with this subject, the Commissioners for Scotland had proposed, on the 22d of June, that the laws in Scotland, regarding pining, curing, and packing of herrings, white fish and salmon, with foreign salt only, for exportation, be continued; but subject to alteration by the Parliament of Great Britain; and that the same premiums and drawbacks be allowed on these articles exported from Scotland, as were allowed in England; to which the Commissioners for England agreed, on the 28th.

The Commissioners for England, on the 5th of June proposed, that the Admiralty jurisdiction should be under the Lord High Admiral of Great Britain, &c. with the right of appeal to the Queen.

On the 11th, the Commissioners for Scotland replied, that the Court of Admiralty now in Scotland, be continued till the Parliament of Great Britain shall make such alterations and regulations, as may be judged expedient; provided always, that there be in Scotland a Court of Admiralty,
such

such as is in England, for judging of maritime cases, relating to private rights; and that the rights of Admiralty and Vice Admiralty, be reserved to the respective proprietors, as rights of property: to which proposal the Commissioners for England acceded on the 12th; with this amendment, that the heretable rights must be subject to such regulations and alterations, as may be deemed proper by the Parliament of Great Britain. *

On the 7th of June, the Commissioners for England introduced the discussion of the union of Parliaments, and proposed, that thirty-eight persons be the number to represent Scotland in the House of Commons in the Parliament of Great Britain.

On the 11th the Commissioners for Scotland proposed a conference upon this subject, as they considered a greater number would be necessary, for attaining the purposes of an union between the two kingdoms. This conference was accordingly held on the 15th; and the Commissioners for England consented, that forty-five members and no more, should represent that
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* Appendix, No. LXIII. p. cccclxxxvii.

part of Great Britain called Scotland, in the House of Commons of the united kingdoms, and that the number of Peers be sixteen, in order to bear a proportion with the number of Commoners.

On the 18th, the Commissioners for Scotland acceded to this proposition; provided, that from and after the union, the Peers of Scotland be declared and reckoned Peers of Great Britain; and enjoy all other titles, dignities, pre-eminences, as fully and freely as the Peers of England do at present enjoy, or the Peers of Britain may enjoy hereafter; and provided the Peers of Scotland for the time being enjoy the rank and precedence of all Peers to be created hereafter, of the like order and degree, in the united kingdom.* In this the Commissioners for England acceded on the 19th, with this explanation:—That such Peers of Scotland, as shall not have a right to sit in Parliament, shall not be capable of sitting upon the trial of any Peer, or have the privileges of Parliament, but that the Scotch Peers may enjoy precedence, provided it be understood, that the Peers of England, at the time of the union, retain the rank and precedence of their respective degrees, before the same degree of Peers of Scotland.

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* Appendix, LXIII, p. cccclxxxviii.

On the 22d, the Commissioners for England explained, that the Peers of Scotland were to be reckoned and declared Peers of Great Britain, and to be tried as such, and to possess all other rights and privileges, except that of sitting in the House of Lords and on the trial of Peers; and in the case of adjournment or prorogation of Parliament, that the sixteen Peers were to be summoned and to have the same right and privilege in trials, as the Peers of Great Britain; and in case there be no Parliament, the sixteen Peers of Scotland, who sat in the preceeding one, were to be summoned and have the same power and privileges at such trials, as the other Peers of Great Britain; and on the 25th of June, the Scotch Commissioners agreed to the article with this explanation.

On the 19th of June, the Commissioners for England proposed, that the coin, weights, and measures, be the same throughout the united kingdom, as now established in England. On the 21st, the Commissioners for Scotland agreed to the proposal; provided consideration be had to the losses of private persons, in reducing the coin to the English standard, and provided the mint at Edinburgh be continued, and considered as under the same rules with the mint in the Tower of

London, and that the weights and measures be kept by those boroughs, which have that right and privilege.*

On the same day, the Commissioners for England proposed, that the losses be made up, out of the sums to be given for the fisheries, manufactures and improvements of Scotland; and on the 1st of July, the Commissioners for England added the provision, that the weights and measures of Scotland be kept from a standard, that is in the Exchequer at Westminster, and that the mint at Edinburgh remain under the same rules as the mint of England, subject to such regulations as the Parliament of Great Britain may think fit.†

On the 19th June, the Commissioners for England proposed, that all laws and statutes, in either kingdom which are contrary to, and inconsistent with the terms of the union, shall be repealed:—To this, on the 21st, the Commissioners for Scotland agreed.

On the 21st of June, the Commissioners for Scotland proposed, that the rights and privileges of the Scotch Company trading to Africa and to the

* Ib, p. cccxciii.

† Ib. p. cccxcv.

the Indies do continue after the union, or if these privileges be inconvenient for the trade of the united kingdom, that the private rights of the said Company, be purchased from the proprietors.

On the 25th, the Commissioners for England, blending their answer with the equivalent to be given to Scotland, for becoming subject to the same duties of customs and excise, reported from the Committee of the Commissioners, that the sum of £.398,085. 10s. should be the equivalent to be answered to Scotland, and therefore agreed to the same.

The Commissioners for Scotland proposed, that a book should be kept, to shew the improvement of the revenue of customs and excise, in which the Commissioners for England acquiesced, to the end that it may appear, what equivalent Scotland ought to receive for its proportion of the encrease. The Commissioners for England farther gave it as their opinion, that the Scotch Company trading to Africa and the Indies, must cease and determine; but agreed, that regard be had to the losses of this Company, in consequence of the misunderstandings between the two kingdoms.

The Commissioners for England farther proposed, that the sum to be granted as an equivalent, shall be proportioned to the increase of the revenue

nue in Scotland, applied to such parts of the English debt, as that kingdom may pay after the union, and that the sum arising from the encrease of the revenues of customs and excises, shall, for the term of seven years after the union, be applied by Commissioners appointed and accountable to the Parliament of Great Britain as follows, *viz.* the £.398,085 10s. to be applied to the payment of the public debts of Scotland and to redeem the capital stock of the African and Indian Companies, together with the interest on this stock, at the rate of five per cent. per ann. from the respective times of payment thereof; the said Company to be dissolved and neither to trade nor give licence to trade; and that whatever sums may arise from these duties, during the said seven years, may be applied to compensate the losses of private persons, and in promoting the fisheries and other manufactures in Scotland; specifying farther, on the 28th, that the premiums and draw-backs, now allowed by the laws of England for exporting fish, be allowed out of this sum by Scotland for the same purposes.

The Commissioners for Scotland, on the 26th, agreed to the equivalent, with the following additions and explanations:—That the accounts and estimates, from which it has appeared
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this equivalent will be due, be entered on [the journal books of this treaty. And explained, that they understand this sum was to be granted to her Majesty by the Parliament of England, at or before ratifying the treaty of union in both Parliaments. The Commissioners for the equivalent to be empowered to call for, receive, and dispose of the said sum of £.398,085 10s. for the purposes above specified, and have authority to inspect the books of the Collectors of the Revenues of Customs and Excise, and the books of all other duties, from whence the equivalent may arise, from time to time. To have their office within the limits of Scotland, and their books to be open for the inspection of all the subjects of that kingdom. On the 3d of July, the Commissioners for England agreed to these proposals*.

The Commissioners for Scotland, on the 21st of June, proposed, that all ships belonging to the subjects of Scotland, at the time of the union, be deemed and passed as ships of the build of Great Britain, the owner or owners making oath before the officer of customs at the port nearest where he or they reside, which oath to be transmitted to
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the Commissioners of Customs at Edinburgh, within twelve months after the union, specifying that the same did belong to him or them, at the commencement of the union, and does then belong to him or them, and that no foreigner has a share or part thereof.

To this proposal, the Commissioners for England agreed on the 22d, with this alteration, that the same be entered in the general Register Book of all the trading ships belonging to Great Britain, to which alteration the Commissioners for Scotland consented on the 25th *.

On the 22d of June, the Commissioners for England proposed, that there be one great seal for the United Kingdom, to be used in writs to elect and summon Parliament, in all public and mandatory writs, public acts, or orders of state, and grants; and in such instruments relating to public justice, policy, and government, as are proper to be sealed with a great seal; and that a seal after the union, shall be kept and made use of in Scotland in all things relating to private rights and justice, in the same manner as the great seal has been used, subject to such regulations as Parliament may hereafter make; but

* Appendix, No. LXIII. p. dix.

but till such great seal be provided, the great seal of Scotland to be continued in use.

On the 28th, the Commissioners for Scotland agreed to this proposal, with the addition of the great seal of the United Kingdom being used in all treaties with foreign princes and states; and specified, that it be different from the seals now used in either kingdom: the quartering of the arms, as may best suit the union, to be left to her Majesty; in the mean time, the great seal of England to be used as the seal of the United Kingdom; but as the laws and customs of both kingdoms are to be reserved to them, a seal to be kept and used in Scotland, in all things relating to private rights or grants, which have usually passed the great seal, and which only concern offices, grants, commissions, and private rights, within that kingdom: also the privy seal, signet, signet of the justiciary court, quarter seal, and other seals of courts, now used in Scotland, to be continued, but may be altered and adapted to the union, as her Majesty shall think fit. On the 3d of July, the Commissioners for England agreed to these proposals*.

On the 28th of June, the Commissioners for Scotland proposed, on calling the first Parliament

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* Appendix, No. LXIII, p. dvii.

of Great Britain, and until this Parliament should make further provision therein, that the method of summoning the members for Scotland be as follows :—by a writ under the great seal, directed to such court, officers, or office, and executed and returned in such manner as by the Parliament of Scotland shall be settled, at or before ratifying the treaty.

On the 3d of July, the Commissioners for England proposed, that the writ be issued under the great seal of the United Kingdom, directed to the Privy Council of Scotland, commanding it to cause sixteen Peers to be summoned, and forty-five members to be elected to sit in the House of Commons, according to the agreement between the two kingdoms, in this treaty, in such manner as the Parliament of Scotland shall settle before ratifying the treaty; the names to be returned by the Privy Council in Scotland, into the court from whence the writ did issue *. On the 4th of July the Scotch Commissioners agreed to this plan.

On the 28th of June, the Commissioners for Scotland proposed, for removing national distinctions after the union, that the crosses of St. Andrew and St. George be conjoined, and used in flags, banners,

* Appendix, No. LXIII. p. dix.

banners, standards, and ensigns, both at sea and land. The 3d of July, the Commissioners for England agreed to this proposal, it being left to her Majesty to settle the ensigns armorial for the United Kingdoms, to which the Commissioners for Scotland, on the 4th consented *.

On the 11th of July, the Commissioners for England proposed, that the union should take place on the first day of May 1707, and that her Majesty, on or before such day, may declare, under the great seal of England, that the Peers and Commons of the present Parliament of England may be members of the respective Houses of the first Parliament of Great Britain, and by proclamation appoint the said Parliament of Great Britain to meet, at such time and place, as her Majesty shall think fit, not less than forty-two days after the date of the proclamation.—That the time and place being so appointed, the Queen may issue, under the great seal of Great Britain, a writ, directed to the Privy Council of Scotland, for summoning sixteen Peers, and for electing forty-five Commoners, to represent Scotland in the Parliament of Great Britain, in its respective Houses:—That the Parliament continue the same time, as the

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* Appendix, No. LXIII. p. dxi.

present Parliament of England might have continued, if the union had not taken place, unless sooner dissolved by her Majesty :—That the members of both Houses for Scotland shall be obliged to take and subscribe the oaths agreeably to the act or acts of Parliament now in force in England, under the penalties therein contained.

On the 13th, the Commissioners for Scotland consented, with this alteration,—that instead of forty-two days, it be fifty days after the proclamation ; and that when the members of the Parliament of Great Britain take the oaths, it shall be understood, that the meaning is not, *crown and realm of England*, but *the crown and realm of Great Britain* *.

The articles of union were thus agreed on, a draft of them made on the 16th of July, and on the 22d, signed and sealed by the respective Commissioners, and entered into the journals of the treaty of union.

On the 23d July, the Lord Keeper presented, conformably to the instructions in his commission, a copy to the Queen, at St. James's, and in his address, described the treaty as the effects of the continued and faithful endeavours of the Commissioners of
both

* Appendix, No. LXIII. p. dxii.

both kingdoms, leaving to her Majesty and to the two Parliaments to approve and confirm the articles, and referred to the unanimity with which a treaty had been finished, which he trusted would secure the happiness of the people, and the peace and tranquillity of the Island to the latest posterity.

The Chancellor of Scotland in like manner, presented a copy of the treaty, conformably to his instructions, expressing his conviction that the unanimity with which it had been conducted, was to be referred to the earnestness with which her Majesty had recommended it, and trusted, that it would be acceptable to the Queen and ratified by both Parliaments.

The Answer of the Queen was, That the terms seemed so reasonable, she hoped they would meet with the approbation of both Parliaments : —That she wished her servants of Scotland would lose no time in proposing the treaty to her subjects of that kingdom *.

The substance of the articles of union is, as follows ;—

1. The kingdoms of England and Scotland, upon the 1st day of May, 1707, to be united into one

* Appendix, No. LXIV. p. dxvi.]

one kingdom, by the name of Great Britain, and the ensigns armorial of the United Kingdom, to be the crosses of St. George and St. Andrew, conjoined, in such manner as her Majesty shall think fit; and used in all flags, standards, &c. both at sea and land.

2. The succession to the monarchy, in default of heirs of her Majesty, to be in the Princess Sophia, Electress Dowager of Hanover, and her heirs, being Protestants, excluding all Papists or persons married to Papists.

3. The united kingdom of Great Britain to be represented in one and the same Parliament.

4. The subjects of the United Kingdom to have full freedom and intercourse of trade and navigation, to all its dominions and plantations; and all other rights and privileges, which may belong to the subjects of either kingdom, except where it is otherways agreed on in this treaty.

5. The ships of the subjects of Scotland to be deemed British built, the owner making oath, that the ship did belong to him at the signing of this treaty, and that no foreigner has interest or share therein; a duplicate of such certificate to be sent to Edinburgh and to London, to be entered in the general register of the trading ships of Great Britain.

6. The

6. The same allowances and encouragements, the same prohibitions, restrictions, and regulations of trade, and the same duties on import and export, as settled in England when the union commences, to take place in the United Kingdom.

7. The same duties of excise, settled in England when the union commences, to take place in the United Kingdom.

8. The foreign salt imported into Scotland, to be chargeable with the same duties as the like salt in England, to be levied and secured in the same manner; but Scotland to be exempted, for seven years, from paying duty for salt made there, as is paid for salt made in England, but after this term, to pay the same duties, and to have the like allowances and drawbacks; and when such salt is imported into England, to pay the same duty as English made salt, the duties to be levied in the same manner as upon foreign salt:—No Scotch salt to be transported to England, by land, under penalty of forfeiture; the fine of twenty shillings, for every bushel, and imprisonment for six months:—Salted fish and flesh, exported from Scotland to England, or made use of for victualling ships, in Scotland, or exported to parts beyond seas, if salted with a mixture of Scottish and foreign salt,

salt, to be confiscated:—The pining, curing, and packing herrings, white fish, and salmon, for exportation, to be with foreign salt only; and the regulations for preventing frauds, to continue, but subject to alterations by the British Parliament; and fish cured with foreign salt, to have the same drawbacks as in England.

When the sum of £1,997,743. 8s. 4½d. is enacted by the Parliament of Great Britain, under the head of land-tax, Scotland to be charged by the same act with £48,000. free of all charges; and to be raised in Scotland as the cefs now is, but subject also to regulations by the Parliament of Great Britain.

10. The duties on stamped paper, vellum and parchment, now in force in England, not to extend to Scotland.

11. The duties in England on windows and lights, which determine on the first of August, 1710, not to extend to Scotland.

12. The duties in England on coals, culm, and cinders, which determine on the 30th of September, 1710, not to extend to Scotland, on the like articles consumed in Scotland.

13. The duties payable on malt in England, which determine the 24th of June, 1707, not to extend to Scotland.

14. Scot-

14. Scotland not to be charged with any other duties, laid by the Parliament of England before the union, except those consented to in this treaty, in regard the Parliament of Scotland is to make provision for the service of that kingdom, for 1707; but if the Parliament of England do levy any new duties of customs or excise, with which, by virtue of this treaty, Scotland is to be charged equally with England, in that case Scotland to be liable to these duties, but to have an equivalent, settled by the Parliament of Great Britain, and no further exemption insisted on, but what is agreed on, in this treaty.

15. That as Scotland will be liable to several duties of customs and excise, applicable to the payment of the debts of England, contracted before the union, it shall have an equivalent, in manner following; the sum of £398,085, 10s. to be granted to her Majesty by the Parliament of England, being an equivalent for such duties of customs and excise, as Scotland may be charged with, applicable to the payment of the debts of England, according to the proportion the present computed customs of Scotland, £.30,000, do bear to the customs of England, or £.1,341,559 per annum; and the computed duties of excise in Scotland, £.33,500, bear to those in England,

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or £.947,602 per annum, which sum £.398,085, 10s to be due from the time of the union. And in regard that after the union, Scotland will be liable to the same customs and duties on imports and exports, and to the same duties of excise as England, and as the increase of these duties, above their present estimate, will be considerable; an equivalent to be given to Scotland for such part of the duties of customs and excise, as shall be applied towards payment of the debts of England, and generally, an equivalent for such duties, as Scotland is to pay, by reason of the union;—That out of the sum of £398,085, 10s. to be granted for such equivalent, the public debt of Scotland be paid, and also the capital stock of the African and Indian Company, with five per cent. per annum:—The said Company to be dissolved and to cease, from the time the act shall pass in England, for raising the above equivalent; the surplus, after paying the debts of Scotland, capital of the said Company, and the increase of customs and excise, above their present value, during the said seven years, with the equivalent that shall become due, to be applied, as a consideration for the losses private persons may sustain, by reducing the coin of Scotland to the standard of England, and
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afterwards to the encouragement of fisheries and manufactures; — Commissioners to be empowered by her Majesty to manage such equivalent, with powers to call for, receive and dispose of this sum, and inspect the collector's books of revenues, who are to give them abreviates of the produce; these Commissioners are to have their office in Scotland, their books to be open to all the subjects in that realm, and themselves to be responsible to the Parliament of Great Britain.

16. The coin, after the union, to be of the same standard in the United Kingdom, as it now is in England, and subject to such regulations as the Queen, her successors, and the Parliament of Great Britain may think fit: and the mint continued in Scotland, under the same regulations as are observed in England.

17. The same measures and weights to be used in the United Kingdom, as are now established in England, and to be kept in the boroughs in Scotland under their special right, but agreeably to the standard in the Exchequer in Westminster; and subject to regulation by the Parliament of Great Britain.

18. That the laws concerning the regulation of trade, customs and excise, be the same in Scotland, from and after the union, as in Eng-

land ; all other laws in use in Scotland to remain, unless contrary to this treaty, but alterable by the Parliament of Great Britain, distinguishing, however, the laws which regard public right, policy, and civil government, from those which regard private right ; the former to be the same in the whole United Kingdom, the latter to admit of no alteration, except for evident utility to the subjects of Scotland.

19. The Court of Session or College of Justice in Scotland to remain after the union, as constituted by the laws of that kingdom, subject nevertheless to such regulations, for the better administration of justice, as shall be made by the Parliament of Great Britain. The Court of Justiciary, in like manner, to remain, and without prejudice to other rights of justiciary.—The Admiralty Jurisdiction to be under the Lord High Admiral, or Commissioners for the Admiralty of Great Britain, but the Court of Admiralty now in Scotland to be continued, until the Parliament of Great Britain make such alterations and regulations, as may be expedient for the United Kingdoms, it being understood, that there is always to continue in Scotland a Court of Admiralty, such as is in England, for determining maritime cases relating to private rights, subject in like manner

manner to alterations by the Parliament of Great Britain; reserving however to the Proprietors, their heretable rights of Admiralty and Vice Admiralties, subject also to the regulations above specified:—All inferior courts to remain as they now are, subject to the Supreme Courts of Justice; and no causes in Scotland to be cognizable by the Courts of Chancery, Queen's Bench, Common Pleas, or other courts in Westminster Hall; which after the union, shall have no power to review or stop the execution of the judicatures within Scotland:—A Court of Exchequer to be established in Scotland after the union, the same as in England, for judging and deciding on cases of revenue; but the Court of Exchequer now in Scotland to remain, till a new Court be settled by the Parliament of Great Britain:—The Privy Council to remain in Scotland, for preserving public peace and order, till the Parliament of Great Britain shall establish some other effectual method for that end.

20. All heretable offices, superiorities and heretable jurisdictions, &c. to be reserved to the owners as rights of property, as now enjoyed by the laws of Scotland, notwithstanding this treaty of union.

21. The rights and privileges of the royal boroughs,

boroughs of Scotland to remain entire after the union.

22. Sixteen Peers of Scotland to sit and vote in the House of Lords, and forty-five members in the House of Commons, in the Parliament of Great Britain; and when her Majesty shall call such Parliament, and until it make further provision, a writ be issued under the great seal of the United Kingdom, to the Privy Council of Scotland, commanding it to cause sixteen Peers to be summoned, and forty-five Commoners to be elected, in such manner as shall be settled by the Parliament of Scotland before the union:—The names to be returned into the Court, from whence the writ did issue:—If her Majesty, before the first day of May, 1707, should think it expedient, that the present Parliament of England continue for England, they shall be deemed members of the first Parliament of Great Britain, and meet not less than fifty days after the date of the proclamation; immediately after issuing of which, a writ shall be directed to the Privy Council in Scotland, for summoning sixteen Peers, and electing forty-five Commoners, to represent Scotland; so that the sixteen Peers being returned and the forty-five members, being elected agreeably to the treaty, shall assemble in the
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respective Houses of the Parliament of Great Britain, and with the members for England, be the first Parliament of Great Britain; which Parliament to continue only as long as the present Parliament of England might have continued, if no union had been made, unless sooner dissolved by her Majesty:—The members from both kingdoms to take the oaths appointed to be taken, instead of those of allegiance and supremacy by the first of King William and Queen Mary, and the declaration agreeably to the act 30. Charles II. and the oath 1st of the Queen, for the security, of her Majesty's person and succession to the Crown, under the penalties and disabilities in the respective acts contained:—The words *crown* and *realm* to mean the *crown and realm of Great Britain*.—

23. The sixteen Peers of Scotland to have all privileges of Parliament which the Peers of England now have, or shall have, after the union, particularly the right of sitting, upon trials of Peers: To be summoned in times of adjournment or prorogation, as the other Peers of Great Britain, and if no Parliament be in being, the sixteen Peers who sat last in the preceding Parliament to have the same power and privileges as the other Peers of Great Britain.—The Peers of Scotland to have rank and precedence as Peers of Great Britain, before

before the like orders and degrees created after the union, as fully as the Peers of England do now, or may hereafter enjoy, except the right of sitting in the House of Peers, and upon trials of Peers.

24. One great seal to be for the united kingdom of Great Britain, different from the seals now used in either kingdom :—The quartering of the arms as may suit the union, to be left to her Majesty ; and the great seal of England used as that of the United Kingdom, till another be devised :—The great seal of the united kingdom to be put to writs, for electing and summoning Parliament, to treaties with foreign princes and states, and to all public acts and orders of state, which concern the United Kingdom, as the great seal of England is now used :—A seal, after the union, to be kept in Scotland, and used in all things relating to private rights or grants which used to pass under the great seal ; and until such seal be appointed by her Majesty, the present great seal of Scotland to be used for such purposes :—The privy seal, signet, casset, signet of the justiciary courts, quarter seal, and the seals of Courts in Scotland, to be continued, but altered to the union, as her Majesty may think fit ; and the seals and the keepers of them, to be subject to such regulations, as the Parliament of Great Britain may hereafter make.

25 That

25. That all laws and statutes in either kingdom, inconsistent with the articles of the treaty of union, shall cease and determine and be so declared by the respective Parliaments.

Such were the events and circumstances which produced the treaty of union between the two kingdoms of England and Scotland, It remains only to trace those which marked its ratification in the Parliaments of both kingdoms.

As the Parliament of Scotland met on the 3d October, while that of England did not meet till the 3d December, we shall begin with the proceedings in the former country.

The Scots had hitherto been found ready to meet the plans of union, during the whole of the 17th century ; but from prejudices not less new than unhappy, were disposed, when the treaty had been brought to a conclusion, to resist, what experience has proved to be the source of the civilization and prosperity of their country.

Scotland was divided at this time by four parties. The Jacobite party who opposed the act of succession and now opposed the union, because they saw in the ratification of the treaty the exclusion of that family from the throne to which they adhered.

The Episcopal Party, who saw the Presbyterian

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terian Church Government confirmed by the articles of the union, and therefore concluded, that if these articles should be ratified by both Parliaments, there remained no prospect to them of re-establishing prelacy in Scotland.

The Presbyterian Church-men, who, though the union was calculated for the security of their establishment, yet conceived it as interfering with their national covenant.

The Political Leaders of Faction, who from not having been employed in conducting the treaty of union, were determined to oppose it.

Though the three first of these parties were as opposite to each other in their civil and religious principles as men could be, and though in the last of them, the individuals professed equally opposite principles from each other, yet all of these parties opposed the union in different ways.

The Jacobites from principles and the recollection of the ill-fated expedition of Lord Dundee; the adherents to the episcopal church from aversion to the Presbyterians, and the termination to their hopes of recovering their ancient rank and affluence; the Presbyterians, from unreasonable fears that as the representation of Scotland in Parliament was small, compared with

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that of England, the British Parliament might, notwithstanding the positive terms in which the Presbyterian government was established in the treaty of union, be induced, under the influence of the English bishops, to restore prelacy in Scotland, while the factionists who were out of office, as in all periods of British history, worked upon the popular prejudices of the less informed of the people, to gain the appearance of national support and force themselves into offices, in which we must suppose they would have thrown behind them the steps by which they had ascended, and acted upon the same public principles, as those whom they now villified as the instruments of the Court.

Unhappily for the peace of the country, each of these parties by inflammatory pamphlets, by calling meetings, and making speeches to men little qualified to judge of the question, brought before them, seduced multitudes into those tumults and insurrection, particularly the Jacobites at Glasgow, and the Presbyterians at Dumfries, leaving these misguided instruments to suffer the consequences of lawless violence:

These party men held out, to the poor the heavy taxes on salt and malt; to the merchant,

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excessive customs and excise; to the farmer, the unprofitable trade to England in cattle and in linen; and to the nation at large, the annihilation of its name, and of the Crown and Parliament by which it had, with valour and honour, maintained its independence, openly insisting that though its laws, liberties, and religion, had been provided for nominally in the articles of union, yet discretionary powers had been left in the English Parliament to make such alterations as suited England only. That the foreign English trade to which the Scots had been admitted, was a mere commercial delusion, since the most valuable branches of it were vested in English Companies, with exclusive privileges, and that their own commercial company, already borne down by the oppressions of the English, was satisfied with a trifling sum as an equivalent, not to be applied to relieve the losses of the people, but as a boon to the avarice of the Commissioners. Such was the temper of the factions, when the Parliament of Scotland were to meet, on the 3d of October, to deliberate on the articles of union agreed on by the Commissioners, whom they had authorised the Sovereign to appoint, and who had obtained those articles for Scotland, which experience has shewn to have raised that country to prosperity.

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The Duke of Queensberry, not less eminent for talents and moderation, than for his private virtues, was entrusted with the important duty of the Queen's High Commissioner, and on opening the Parliament on the 3d of October, laid before it a letter from the Queen, dated at Windsor Castle, the 31st of July 1706.

Her Majesty referring to her nomination of Commissioners to treat of an union, expressed her approbation of the care and diligence with which they had accomplished it, and that she trusted the terms would be acceptable to the Parliament of Scotland:—That as such an union must prove the greatest happiness to her people, she would esteem the ratification of it as the greatest glory of her reign, for an union alone could effectually secure religion, liberty, and property, remove jealousies between the two kingdoms, increase the strength, riches, and trade of the whole island, and enable her to maintain the Protestant interest, and liberties of Europe:—That on this occasion she renewed her assurances to maintain the government of the church, as by law established; and that Parliament now had an opportunity of doing what was further necessary for its security: she then recommended to them provision for the necessary services of the year; expressed her confidence
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in the noble person who represented her, whom she had instructed in whatever was necessary on the present occasion, and after referring to the great success of her arms, considered the prospect of peace, as immediately connected with the establishment of an union, which would powerfully tend to frustrate the ambitious views of her own, and of their enemies.

The High Commissioners stated to Parliament, the diligence and zeal of the Commissioners, their opinion of the reasonableness of the terms, and the security obtained for the church establishment.

These assurances were further confirmed by the Chancellor, Lord Seafield, who considered the terms as calculated to unite the two nations in affections and interest, and by an equality of rights and privileges, to augment to strengthen and to increase trade and riches; explaining, that the Commissioners had only treated of the civil government, of trade, and of taxes, reserving, agreeably to their instructions, the security of the church to the decision of Parliament.

The treaty of union was then read, and ordered to be printed, and copies delivered to the members of Parliament; and the Parliament adjourned

adjourned to the 10th, and afterwards to the 12th,* when the articles were read, and copies of all treaties between the two kingdoms ordered to be laid on the table.

On the 15th, the question was stated, to proceed to the consideration of the articles, or to delay; and carried, proceed,—116 to 52.†

On the 16th, the first sixteen articles were read, and the proceedings of the Commissioners on them.‡

On the 17th, an address of the Commission of the general Assembly of the Church was presented, and assurances given, that every necessary measure should be adopted for its security.§

On the 19th, the fifteenth article which regarded the equivalent, and the correctness of the calculations upon which it proceeded, came under discussion, and on the 22d, a Committee was appointed to examine the calculations, and to report. Several members insisted on a compensation being given for all the losses of the Darien Company,

* Appendix, LXVI. p. dxlii.—Periodical pamphlets of the times.

† Parliamentary Debates in the Scotch Parliament, relating to the union, in a Collection of Parliamentary Debates of England, Vol. V. p. 8.

‡ Parliamentary Debates, Vol. V, p. 8

§ De Foe.

Company, and it was agreed, that as the equivalent to the African Company was to be given out of the Scotch customs and excise, therefore the property of that Company ought to belong to the kingdom, and not to be abandoned, for an inadequate price*

On the 23d, a large Committee was appointed to examine the calculations upon which the equivalent had proceeded, and directions were given, that the English regulations of trade, customs, and excise be printed for the use of Parliament.

The tumults at Edinburgh, by this time, had begun, and the Privy Council had been obliged to call in the troops for the preservation of the peace. Instructions from the little town of Lauder to its representative, directing him to oppose the union, unless a Parliament should be continued in Scotland, were presented to the members as they entered the House. The debates now ran high; It had been said in the House, that the interest and honor of the nation had been betrayed by the Commissioners, and that an unfair precedency had been given to the English Peers above the Scotch Peers of the same rank.†

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* De Foe.

† Ibid, p. 13.

Nothing material happened till the 1st of November, when the questions were agitated, whether to proceed to the consideration of the articles in whole, or seperately? and whether to wait till the sentiments of the Parliament of England should be known, that members might have time to consult their constituents? During this interval, various addressees and petitions were presented to the Parliament, procured by the leaders of the different parties, not from counties only but from the lesser burroughs. Counter petitions were brought forward, approving of an incorporating union. It was agreed at last to read the articles one by one.

On the 2d of November, the first article of the Union was read, and it was objected, that an incorporating union was contrary to the claim of rights, and to the 1st of the Queen, which had ratified the meeting of the Estates, as a Parliament. A question was here stated, whether they should first enter on the security of the church, or on the first article of the union? but it was explained, that whatever resolution they should come to respecting the church, should not be obligatory, till all the rest of the articles of the union were agreed on.

It was upon this occasion, that Lord Belhaven, who was the chief opposer of the union,
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represented Scotland as an independent kingdom surrendering its liberties;—a national church, formed on the claim of right putting itself on a level with a sect; the honorable peerage of Scotland degraded to a state of humiliation in England;—the barons, and the representatives of boroughs, laying down their franchises at the feet of a rival nation; the Scotch judges becoming students of English law, and the soldiers learning the trade of planters in America; the industrious tradesman bowing under taxes, and the farmer without a market; the landholder bound in the golden chain of an equivalent, and the seamen compelled to trade with the Dutch, or to servitude in the English navy; in one word, Scotland itself annihilated. This *vision*, as his Lordship properly termed it, was to be dispelled by deliberation; for he considered the man who would agree to the union, to be a paricide of his country; “No longer would the noble Lord have to represent his sovereign, no longer would they have to defend the honorable privileges of their ancestors, and no longer, though they were under a mild reign, have the power to resist an arbitrary prince.”—The parties in England and in Scotland, said his Lordship, were different. In the former, the Whig opposed the

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King; in the latter, the Whig opposed the Kirk; whereas a Tory in both, if he preserved his rank and his benefices, was indifferent who held the government:—

He then represented the Commissioners in the treaty, as having sacrificed the ancient privileges of their country and the great names which they bore, and after holding out the taxes to which Scotland would be subjected, concluded with proposing to delay the discussion of the three first articles, and to begin with the fourth. After much contest however, it was agreed to consider the articles in their order*. This poetical rhapsody was very prudently received with silence.

On the 4th, the Marquis of Anandale proposed it should be resolved, that instead of agreeing to the first article of the union, Scotland should reserve to itself the independency of the monarchy, the privileges of the kingdom, and the constitution the government, in church and state, but be ready to unite its interests, in all wars and alliances and in trade with England.

The Duke of Atholl protested against an in-

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* De Foe, and Parliamentary Debates, Vol. V. p. 15 to 34.

corporating union, as being contrary to the Act 130. of James VI. Parl^t 8 by which the subjects of Scotland were prohibited from calling in question the dignity and authority of the three Estates in Parliament, under pain of treason. It was besides contrary to the claim of right, and to the 3^d of the Queen 1704, which makes it treason to call in question the claim of right. After much debate, it was at last agreed to approve of the first article of the union, with the reservations, that if the other articles should not be approved of, this consent should not be obligatory.

In this stage of the business, the act for the security of the Church establishment was introduced, and consisted of four clauses; one declaratory of the established government of the Church being ratified for ever, as well as the 1st of William and Mary, which restored the Presbyterian Church government of Kirk-sessions, presbyteries, provincial synods, and general assemblies; another declaring that the principals and professors of the universities or schools, within the kingdom, should acknowledge the civil government, and subscribe the confession of faith;—A third, declaring that no test, inconsistent with the Presbyterian church government, should be required or given in this kingdom, because the English could hold offices
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in Scotland without a test, therefore the Scots ought to be capable of offices in England; but this was over-ruled by the observation, that the Scotch Parliament had no power to decide on this question:— And a fourth clause declaring that all successors to the throne shall take an oath to preserve the established government and Church, and this to be held as a fundamental law of the constitution:—Lord Bellhaven protested, that this act was no security to the church, in the event of an incorporating union taking place;—but it was approved of.

On the 14th, the second article of union or that which regarded the succession, was read; after a variety of previous questions, tending to clog the decision with the conditions, to which the successor to the throne was to be bound, and with protests against these conditions, this article also was approved*.

On the 18th, the third article or the representation of Great Britain in one Parliament, was taken into consideration, and a delay attempted, by endeavouring to bring up the question in the fourth article or that on trade and navigation; but

* Parliamentary Debates, Vol. V. p. 43.

but the third article was approved of by a majority of thirty.

On the 19th, the fourth article or that regarding trade and navigation, was brought forward. The Duke of Athol stated, as a previous question, that the Parliament of Great Britain should, once in three years, sit in Scotland. This was got rid of, by postponing the subject of the discussion, till the question respecting the Peers and Commoners who were to sit in the Parliament of Great Britain should come under consideration. Still farther to procrastinate the business, the Duke of Hamilton moved, that the laws regarding the English trade should first be taken into consideration. The fourth article was also approved of ;—To bring popular odium on the supporters of the measure, it was voted, that the names of the members voting *pro* and *con* should be recorded and printed.

On the 19th, the fifth article or that regarding the shipping of Scotland, being included in the Act of Navigation, came under consideration, and it was agreed, that the ships belonging to the subjects of Scotland may be registered, within twelve months after the union. The Duke of Hamilton endeavoured to introduce a clause, that the pressing of seamen for the navy should not be authorized for seven years after the union. This was negatived, and the article approved.

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On the 26th, the sixth article, or that which regarded uniformity in the exports and imports of the United Kingdom was brought forward. Various clauses were attempted to be introduced; such as a bounty on the export of oats and oatmeal, for the encouragement of agriculture; liberty to export sheep-skins and wool, the produce of Scotland; permission to export salted provisions to the Plantations; a reciprocal freedom of toll, on the transit of black cattle into either kingdom; and liberty to manufacture certain woollen stuffs and stockings, which had long been a staple branch in Scotland. These subjects were postponed, till the equivalent should come under consideration.

On the 28th, the seventh article or the equality of excise upon liquors was discussed, and was agreed to with the amendment, that the thirty-four gallon English, equal to twelve gallon Scotch, be liable only to two shillings sterling.

On the 7th of December, the fifteenth article or the equivalent to be allowed to Scotland for becoming liable to certain duties of customs and excise, applicable to the payment of English debts contracted before the union, and which had been remitted to the Committee on the sixth article or that which regarded the allowances and prohibitions
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of trade, and the eighth article, or the duties on salt, salted fish, cattle, &c. came under consideration; and a report by Dr. Gregory and Dr. Bower, Professors of Mathematicks at Edinburgh and Aberdeen, was referred to, which had pronounced the calculations correct. The first clause of the fifteenth article or that Scotland should become liable, on account of receiving an equivalent to the duties of excise and customs payable in England, was carried. The sixth article or that Scotland should be subject to the same regulations of trade, was also approved of.

The eighth article, or the equalizing the duties on salt and salted provisions, occupied the attention of Parliament from the 17th to the 26th December, when it was approved of; and on the 30th, the fifteenth article or the equivalent, was ratified. On the same day, the sixteenth and seventeenth articles, regarding the standard of coin, weights, and measures, were approved of.

On the same day, the eighteenth article, or the uniformity of the laws in both kingdoms, as public acts of government, treaties, &c, and the permanency of the laws applicable to private rights, were brought under consideration. A motion was made, that overtures from the Court of Session should be attended to, in making laws applicable

plicable to Scotland, and the exemption to be allowed to Scotland, from taking the test in England was again attempted, but the article passed without amendment *.

On the 2d of January 1706-7, the nineteenth article or the Courts of Justice, was approved of, with certain regulations which were merely local, as to the qualifications of advocates and writers, who might become members of the College of Justice.

On the 6th, the twentieth article or the heretable offices, and the twenty-first, or the royal boroughs, were approved of; and on the 7th the twenty-second article, or summonses and writs for the Peers and Commoners, was taken into consideration, and after a variety of protests, in which the questions respecting the Parliaments setting once in three years in Scotland, and Scotchmen taking the test in England, or Englishmen holding offices in Scotland, signing the formula, was finally approved in its original form on the 8th.

On the 13th, the twenty-third article or the privilege and precedence of the Peers, was discussed, and clauses attempted to be introduced, for ex-

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† Parliamentary Debates, Vol. V. p. 60.

tending the privileges to all Scotch Peers and for entitling them to sit covered in the House of Peers, were brought forward and negatived, and the article approved, in its original form.

On the 14th, the twenty-fourth article or the seals and armorial bearings, was considered, and with the amendments of settling the rank of Lion King at Arms, and that the regalia and records of Parliament should remain in Scotland, was ratified; and on the same day, the twenty-fifth article or the abrogating of all laws contrary to the union, was agreed to.

On the 15th, the act for ratifying and approving the union was brought forward*.

Meantime the Commission of the General Assembly, still apprehending, that the discretionary powers in the British Parliament might go to make alterations on the church government established in Scotland, presented a representation and petition to Parliament, expressive of these apprehensions, and deprecating the consequences of such an innovation.

On the 16th, the act for security of the Protestant Religion and Presbyterian church government,

* Parliamentary Debates, Vol. V. p. 68.

ment, and the act* finally ratifying the union, passed, one hundred and ten voting for, and sixty nine against :—

The High Commissioner then, (in the manner which had been in practice from the accession of James I, when the sovereign had ceased to reside in Scotland) touched the treaty with the sceptre, as the symbol of his giving the royal assent.

In passing an act, settling the mode for electing the Peers, the question was stated, whether it should be by election or by rotation, and whether the votes in the election should be expressed or given by ballot ; and it was carried to be by election, and by giving in lists.

It was next settled that thirty members should represent the shires, and fifteen the boroughs, and that of this fifteen, Edinburgh should have *one* exclusively, and the other boroughs to be formed into fourteen districts, each to have a member.

The following sums were allowed to each Commissioner for the union, to be charged on the equivalent as a public debt.

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* Scotch Acts of Parliament, Vol. III. p. 720.

	<i>lb. Scotch</i>	<i>£. Stg.</i>
To each Nobleman, -	12,000	or 1,000
To every other Com-		
missioner, - - -	6,000	or 500
To the Secretary, -	4,800	or 400
To the three Account-		
ants, - - each.	2,400	or 200

And to prevent discontents which would have arisen among the Commissioners of the union attempted in 1702-3, they were allowed, *viz.*

	<i>£. Stg.</i>
The Noblemen, - - - -	500 each.
The Barons, or Knights of the	
Shire, - - - - -	300
And the Representatives of the	
the Borough, - - - -	200 each.*

In this manner terminated a treaty of union, which prevented a civil war between the two nations, introduced the arrangements which have gradually diminished the national prejudices, and by consolidating the strength of Great Britain into one government, secured the public peace and national independence.

It could not be expected, however, that the party spirit which ran so high while the treaty was yet

* Scotch Acts of Parliament, Vol. III. p. 71.

yet a subject for deliberation, could immediately subside.

The Jacobites, the following year, building partly upon the discontents on the subject of the union during the discussions in Parliament, and partly on the tumults and commotions it had occasioned, favoured the attempt of an invasion by France, which was happily prevented by the vigilance of the British fleet.

The Presbyterians, who though jealous of the church establishment during the discussions of the union Parliament, were now alarmed for that security which this Parliament had procured them, and became the steady friends of government; so that in the different attempts which have been made, by the Jacobites, supported by the French interest, the church was uniform in its support of the established government.

The rapid progress of manufactures and trade, during the last fifty years, and since these fatal attempts had ceased, have led all men to forget the prejudices which divided the country, in the prosperity which the union has produced.

We have next to follow the progress of the treaty of union in the Parliament of England, the sessions of which did not open till the 3d of December, 1706, at the time the parties in Scotland were

were exerting their influence against the ratification, although acting from the most opposite principles of conduct.

In the speech with which the Queen opened the Parliament she informs it, that in pursuance of the powers vested in her by the Parliaments of the two kingdoms, she had appointed Commissioners to treat of an union, that such had been their application, as to have overcome the difficulties which had hitherto prevented a treaty, evidently for the mutual advantage of both realms, and as the business was before the Parliament of Scotland, she was in the hope, that in a short time, an opportunity would be afforded her, of laying before her Parliament in England, the success of the measure in Scotland—That there were several matters in the articles of union, which would come under consideration of the Parliament of Great Britain, in order to produce the full advantages which will arise from the treaty which she deemed the happiest circumstance of her reign, as it would do away the schemes of the enemies of Britain to disturb the peace and happiness of her dominions, and extinguish all jealousies, regarding either civil or religious rights in the United Kingdom*.

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* Lord's Journals, Vol. XVIII. p. 174.

The Commons in their address, assured her Majesty of their readiness to embrace all occasions, for confirming and improving the advantages of this happy union*; which address her Majesty answered, by assurances of her thanks upon this occasion†. And in like manner the House of Lords expressed their gratitude to the Queen, for the wisdom and foresight which had marked her Majesty's endeavours to settle an entire and complete union of the kingdoms of England and Scotland ‡.

The treaty having been ratified in Scotland, on the 16th of January 1706-7, the Queen came to the House of Lords on the 28th, and the Commons attending, she informed both Houses, that it was with great satisfaction she had to inform them, the treaty of union had been ratified by the Parliament of Scotland, with some alterations and additions, and she had directed the treaty, as agreed on by the Commissioners, and the act of ratification in Scotland, to be laid before them; and hoped to meet with their concurrence and approbation. She informed the Commons, that Scotland was to have an equivalent, for what it was

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* Parliamentary Debates in England, Vol. V. p. 133.

† Ib. p. 134.

‡ Lord's Journals, Vol. XVIII. p. 176.

to contribute in paying the debts of England, for which she recommended provision to be made; and informed both Houses, that they had now an opportunity of putting the last hand to an union, which she hoped would add to the wealth and power of the whole island and to the security of the Protestant Religion; an event which she deemed the particular happiness of her reign*.

When the house was resumed, Lord Sunderland laid before the Lords the minutes of the Commissioners, and copy of the treaty which they had agreed on with the Commissioners for Scotland, and also the act ratifying and approving the treaty by the Parliament of Scotland, with the act for securing the Protestant Religion and Presbyterian Church government in that kingdom †.

Lord Coningsby on the return of the Commons to their own House, moved an address to the Queen, to have the minutes of the Commissioners' proceedings on the union, in the first year of her reign laid before the House, which was negatived, and an address of thanks moved to the Queen for the communications respecting the late treaty.

* Appendix, No. LXVII. p. dclvi.—Lord's Journals, Vol. XVIII. p. 207.

† Ib. 219.

treaty. The Queen expressed her thanks, that what she had done was so much to the satisfaction of her faithful Commons*.

As the Scotch Parliament had passed an act for the security of the Presbyterian establishment in that kingdom, the Archbishop of Canterbury was directed to bring in a bill for the security of the Church of England, which was read a first time on the 31st of January and a second time on the 3d of February†.

The question was then put, that it be an instruction to the Committee of the whole House, to insert in the bill, as a fundamental condition of the intended union, particular and express words, declaring unalterable the act 25 Charles II. for preventing the dangers which may happen from Popish recusants, which was negatived; and the bill being committed and read a third time, passed. The object of this bill was to prevent Dissenters from holding offices, without taking the tests; and though the Queen was present, several dissents were entered‡.

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* Debates of the Parliaments of England, Vol. V. p. 103.

† Lords' Journal, Vol. XVIII. p. 222.

‡ Parliamentary Debates, Vol. V. p. 105.

Upon this occasion, the House of Commons appear to have been more forward in entering upon the business of the union, than the Lords.

On the 4th, the Commons resolved themselves into a Committee of the whole House to consider of the articles of union and the act of ratification by the Parliament of Scotland. Against both, Sir John Packington objected. He held an incorporating union to be dangerous, and endeavoured to establish, that the consent of the Scotch Parliament had been obtained by unjustifiable means; that besides, there was a contradiction in her Majesty taking in England one coronation oath to maintain the Church of England, and another oath to defend the Kirk of Scotland, while at the same time the kingdoms were to become one or united.

The House considered, this objection as of no weight.

When it was proposed that the first article of the treaty be read, in the same manner as had happened in the Scotch Parliament, it was moved, that this be postponed till after consideration of the other articles, a great majority having rejected this mode of involving the business: The first article, or the uniting the two kingdoms into one, under the name of Great Britain; the second, or the succession; the third, or the representation by
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one Parliament; and the fourth, or the freedom of trade and navigation, were approved of; and the fifth, or the navigation act, read: and on the 8th, the Commons, in a Committee of the whole House, went through the other articles, and approved of the treaty.*

During these short debates, the minority peevishly left the House, because their arguments were not listened to, except a very few, who remained to make the general objection, of a business of so much importance being improperly hurried through the House.

The Commons next went on the bill for securing the Church of England, and only added the clause, "*although effectually and sufficiently provided for, in the former bill;*" but this being objected to, the bill passed, and was sent back to the Lords, and with it the bill ratifying the union, as it had passed in Scotland.†

In the House of Lords, on the 15th of February, the treaty of union, and act of Scotch Parliament were referred to a committee. ‡ Farther

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* Parliamentary Debates, Vol. V. p. 107.

† Ibid. p.

‡ Lord's Journals, Vol. XVIII, p. 239.

progress reported on the 19th,* and farther progress on the 22d;† and the Bishop of Salisbury on the 24th informed the House, that the Committee had gone through the articles, and were ready to make report.‡

The debates, during these proceedings of the Committee, were chiefly on the followings points:

The Earl of Nottingham brought up the old objection, made in the time of James I, that the assuming the name of Great Britain, was an innovation on the monarchy of England and subversive of the laws, but was answered by the unanimous opinion of the judges: That the constitution of the realm and the laws would remain entire, and the same as they had been before the union, except such alterations as might be inconsistent with such an union.§

Lord Haverham reprobated authority, as derived from the recommendation of the Queen, or ratification of the Scotch Parliament, and proposed a foederal union, an union of interest and succession, but not an incorporating union; the latter being against the English constitution, which provided

* Lord's Journals, Vol. XVIII, p 245.

† Ibid 249.

‡ Ibid 251.

§ Parliamentary Debates, Vol. V, p. 109

provided equally for the safety of the monarchy and the safety of the people, both of which would be endangered by admitting sixty-one members into the Houses of the British Parliament. The Parliament of Great Britain might deprive the Peers of England of their birthright and privileges as the Scotch Parliament had done these of above one hundred of their Peers; and because the Spiritual Lords were to agree to an act for the security of the Kirk of Scotland, a sect against which they had contended for thirty years; but above all, because the union was disagreeable to the body of the Scottish nation, whose discontents might lead to new revolutions.

Lords North and Grey, objected to the small proportion of land-tax to be paid by Scotland, which was abler to pay than Wales, and which was not allowed one half of the representatives proposed to be granted to Scotland.

Lord Halifax, in reply shewed, that this was no novelty even in England itself; as Gloucestershire paid more land-tax than Cornwall, though the latter had five times as many representatives as the former; and that besides, by the Scotch constitutional laws, there existed an impossibility of that country paying more. If then in some instances, the Scots had the advantage in the treaty, more important advantages in strength and security

security would be gained by England. The articles therefore were approved of, from the first to the thirteenth, inclusive. The Queen's anxiety led her to be present, during these debates.

On the 21st of February, when the fifteenth article, or the equivalent, came under consideration; the Earl of Nottingham insisted, that it was unreasonable to admit the Scots to all the advantages of trade, who had paid so little towards the support of the war; and at the same time, to give an equivalent of so large a sum, and which might be applied by a few persons, without indemnifying the adventurers in the unhappy Darien enterprize†.

Lord Hallifax considered the equivalent, not as a gift, but as an actual purchase of the Scotch revenues and customs, to be applied in payment of the debts of England, and that, in fact, that nation were no more gainers by it, than England was by the sale of annuities, at fifteen or sixteen years purchase.—Besides, as the sum given belonged to them, it was reasonable they should have the liberty of applying it; and yet this application was guarded, by making the Commissioners responsible to the Parliament of Great Britain.

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† Parliamentary Debates, Vol. V. p. 116.

While the House was considering the twentieth article, [which regards heritable jurisdictions, the Queen being present, Lord Thanet observed, that he held the office of perpetual Sheriff of Westmorland, and the Lord Chamberlain seconded him, as also holding an heritable office; the judges gave it as their opinion, that these remained entire, as before the union, except in so far as they might be inconsistent with it*.

The Earl of Rochester objected to the twenty-second article, which made Peers elective who had been hereditary, and that it was inconsistent to admit Peers by election to sit among Peers by birth.

Lord Nottingham farther objected, that the Scotch Peers attached to the Kirk would, from their principles, be dangerous in questions regarding the Church of England.

The Earl of Wharton replied, that this danger was imaginary, as there were occasional conformists among their Lordships.

Lord Haversham replied, that both churches were Protestant; but the Bishop of Bath and Wells considered the admission of the sixteen Peers, as bringing the Church into danger.

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* Parliamentary Debates, Vol. V. p. 117.

On reading the twenty-fifth article, the Earl of Arran wished to have the opinion of the Judges, of the laws which would be repealed by the union, and those which would remain in force, still urging as an objection, that the union would be a subversive of the laws of England.

As this objection however had been twice over-ruled by the opinion of the Judges, it received no answer*.

The Bishop of Salisbury, on the 27th of February, brought up the report of the Committee of the whole House, to whom had been referred the consideration of the articles of union, and stated, that the Committee had agreed to the several articles and matters referred to them, and had come to the resolution of adopting the articles as they had passed in Scotland, ratifying and approving of the union, against which a variety of protests were taken†.

On the 1st of March, a message was brought from the Commons, with a bill, entitled, *an Act for the Union of the two Kingdoms of England and Scotland*, which was read a first time, and on the 3d of March, a second time, and on the 4th of March

* Ibid. p. 120.

† Lords Journals, Vol. XVIII. p. 253, and 261.

March, a third time, and passed *, accompanied by several protests of the discontented party †.

The only remaining difficulty arose from the circumstance of the Parliament of Scotland having inserted several articles, for drawbacks and allowances upon different commodities, the growth of that kingdom. This circumstance led the House of Commons to resolutions to the following effect :—That foreign salt imported into England shall be cellared, the importer giving security, payable in six months, for the quantity he receives from the officer :—That on English salt carried coast-ways, allowance be made for wastage :—That the like allowances be given in England as in Scotland, upon the exportation of white herrings and salted beef or pork, after the 1st of May, 1707 :—That the same premium be granted on oatmeal and grain, called beer and big in England as in Scotland.

A bill to this purpose was therefore passed, and with the ratification of the union, received the royal assent on the 6th of March, when the Queen addressed the House, expressing the greatest satisfaction at passing a bill for uniting England and

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* Ibid. p. 268.

† Statutes at Large, Vol. IV. p. 223.

Scotland, which she considered as a matter of the greatest importance to the wealth, strength, and security of the whole island, a measure which she doubted not would be spoken of hereafter, to the honor of those who had brought it to a happy conclusion, recommending every possible kindness and respect to her subjects, whom this act had made one people, now united ⁱⁿ the security of their religion, and the protestant succession.

Both Houses of Parliament agreed on a joint address, expressive of their thanks to the Queen for her approbation of the share they had taken, in bringing to a conclusion what seemed designed by Providence to add a new lustre to the glories of her reign ; to which the Queen's answer was ; that Parliament could not do a more acceptable service, than by using their utmost endeavours to improve the good consequences of the union

On the 29th of April, the Parliament was adjourned, when the Queen, in her speech, informed it of her intention to continue the present Parliament of England, as members and representatives of the Parliament of Great-Britain, for and on the part of England ; and recommending to them, on their return to their counties, to make her subjects sensible of the security, and bene-

benefits they might reasonably expect from this happy union.

In this progress of the treaty of union through the Houses of the English Parliament, compared with all the discussions which on former occasions had taken place in the Houses of that Assembly, there appears a striking contrast, explicable only by the circumstances of the times.

In all former plans, from the period of James to the first union attempted by Queen Anne, the opposition arose in the House of Commons and rested on one subject only, that of excluding the Scots from the privileges and benefits of the English trade. In the passage of the bill through the House of Commons, scarcely one objection was made of any weight, and as to the bill which afterwards passed on drawbacks and premiums, it was merely a counterpart of what had been done in Scotland.

This change we can only explain by a reference to the inconveniences which were at last perceived, of having different laws of Navigation and Commerce for subjects owing allegiance to the same sovereign, serving in the same fleets and armies in the memorable wars which had preserved the balance of power in Europe;

and had rendered Britain the centre upon which that balance turned; and which now therefore opened to the minds of that liberal body, the merchants of England, the uniform system which has directed the industry of an ingenious and active people.

In all former unions, attempted during a century, the House of Peers had met the wishes and recommendation of the Sovereign, and left the odium of the disappointment to rest on the Commons and commercial interest, by which means they preserved their influence, without hazarding an extension of their privileges to the Scottish nobility; but in this last instance, though only sixteen of that nobility were to obtain voices in their House, they became jealous of this privilege, without avowing this feeling as the motive of their conduct. At one time, the opposition placing their objections on the circumstance of Peers sitting by election with Peers who voted from birth-right or creation; at another time alarming the Bishops with the English Church being in danger, though no representatives from the Scottish Church were brought to oppose it; and thus seeking, in secondary arguments, to veil the real one, their desire to remove the ministers
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who had conducted the measure, that they might occupy their places ;—for we cannot suppose any of them looking forward to public convulsions, when that succession should take place, the fixing of which had been one of the great motives with wise and considerate men, in devising and perfecting the union.

VI.—*Results from the Union of England and of Scotland, marking the Effects of that Event on the Government and Jurisdiction, on the Revenues and Trade of the United Kingdoms, and on the political and commercial Influence of Great Britain, in the Balance of Power in Europe.*

The union of two kingdoms, which had for so many ages divided the strength of Great Britain, was an event which gave to that kingdom a new character and influence among the European nations: It will therefore form an interesting conclusion to a review of this event, if we connect with it, the effects which it produced on the internal administration, and on the external relations of the British Empire.

“ The first change was made on the Legislature of the United Kingdom.”

In the preceding details it has been found, that the constitution of the Parliaments of England and of Scotland was different: the Parliament of England consisted of three distinct estates,

tates, the King in his political capacity forming one ; the Lords Spiritual and Temporal forming another, and meeting in their own House, with defined privileges, partly legislative and partly judicial ; and the Commons sitting by themselves, as the representatives of counties and towns, forming also a distinct House with defined privileges, which were legislative only, but exclusively entitling them to introduce the money bills, by which taxes were to be levied from their constituents, and to appropriate the amounts to the civil and military services of the state.

The Parliament of Scotland consisted also of Lords Spiritual and Temporal, Knights or Barons representing shires, and burgessees representing towns, but formed one House only. The component parts of this Parliament therefore, had no distinctive or defined privileges, and the Parliament itself had not even the power of chusing its own Speaker, the Lord Chancellor being always, by the usages of the realm, its President. Besides this narrow constitution, the Parliament of Scotland was still farther limited by the controul which the Lords of the Articles possessed over it, who in the first instance, prepared and judged of all bills, which were to be brought under deliberation, and was therefore a kind of Privy Council

cil of the King, and directed the proceedings of the public council of the nation.

Under such circumstances in the constitution of the two Parliaments, the consolidation of them into one legislature, formed one of those difficulties, which were found insurmountable in the plans of union suggested by James I, Charles II, and even by Queen Anne, in 1702-3.

It has not appeared however in the debates of Parliament, either in England or in Scotland, that the different constitutions of the two Legislatures formed so much the subject of contest, as the numbers of the Scottish Peers and Commoners, who were to represent Scotland in the British Houses of Parliament. It was the numbers only, which divided the opinions of the Commissioners who at last settled the important treaty of the union.

It may therefore be inferred, that the Scots were disposed to relinquish their own defective constitution of Parliament, and to embrace the more perfect one of England.

By the treaty of union, the representatives of Scotland acquired distinctive privileges, both as members of the Houses of British Peers and Commons, and privileges which were already defined and established, at the settlement of the government,

vernment of England, in 1688. The sixteen Peers of Scotland, by the treaty of union, became vested with the same legislative and judicial powers with the Peers of England, and the representatives of the shires and burghs of Scotland, with the same privileges as the House of Commons in England possessed.

Instead therefore of receiving the acts or edicts prepared for them by the Lords of the Articles, the Peers were now entitled, in their own House, to originate measures, and the representatives in the Commons House to exercise the exclusive privilege, like those of England, not only of originating all money bills, which were to impose duties or taxes upon their constituents, but to give their voices, along with the Commons of England, in the appropriation of the national revenues to the different branches of the public service.

The first effect therefore of the Union on the Legislature of Scotland was, that the representatives of that part of the kingdom, became members of distinct Houses of Parliament, and were brought forward to this perfection in the constitution, without experiencing the fatal convulsions which had disturbed England for a century; and the change in England was, that the happy equipoise which fixes the prerogative of the Crown and

liberties of the Subject, as well as the distinctive privileges of the two Houses of Parliament, was extended over the whole island and rival kingdoms, by this constitution of the Parliament, cemented by a common interest.

“ The second change produced by the union was, on the public laws, which were rendered consistent and uniform in both kingdoms.”

Though the same sovereign from the accession of James I. (except during the Interregnum of twelve years) had governed the two kingdoms, each, besides having a distinct legislature, had also a distinct Privy Council, for watching over the public peace and tranquillity of the separate realms; and in Scotland, this Council was composed of, nearly the same persons, the Lords of the Articles, in whom the laws in a great measure originated.

At the union of the Crowns, the Scots looked forward to a participation in the privileges of trade possessed by the English; and the English jealous of their privileges in the three first plans of union, uniformly excluded the Scots from their trade. It was this difficulty which broke off all the treaties.

The public laws which preserved order in the one kingdom, had been at variance with those
which

which preserved order in the other, and that too, on a subject in which the private interests of the English and Scottish subjects were daily in opposition.

From the accession of James I. the Scots had been gradually working themselves into a part of the English trade, and during the usurpation of Cromwell, when he abolished all distinctions between the two nations, they had been allowed, in common with the English, to direct their industry and navigation to the English plantations, and indeed to all foreign countries, except those to which English companies traded under exclusive privileges.

At the Restoration, the English Parliament passed its wise and celebrated Act of Navigation; an act which has been not less the source of commercial prosperity, than of naval greatness; but it was this act which brought forward the necessity of an union: it struck at once at all the permissions to trade, which the Scots, in greater or lesser degrees, had enjoyed, as they stated in the discussions on the union projected by Charles II. The animosities between the two countries which had been gradually wearing out, were therefore again revived by the Act of Navigation, though under a new aspect. Both countries acknow-

ledged the same sovereign, but the interests of one part of the subjects were opposed to those of the other; an union or a civil war became the alternative.

Hence every plan of union which was proposed and rejected on the part of England, even that one which was brought up after the English constitution became fixed on its present basis, had this tendency, because the public laws, upon which the order and peace of the two kingdoms depended, were left at as great variance, as they had been while the constitution was uncertain. It was this circumstance which led King William, in the very first year of his reign, to recommend an union, and in his last message to the English Parliament, to repeat this recommendation:—It was this circumstance which compelled the Scots to the fatal measure of forming a company for trade to Africa and to the Indies;—and it was this circumstance which revived, though under different aspects, those hostile laws, which the Parliaments of the two countries enacted, on the trying questions of trade and succession to the Crown;—and, it was this circumstance which was preparing the inhabitants of both kingdoms for war, and which happily convinced the Parliaments of both, that an uniformity of public law, and introducing and establishing

establiſhing common privileges of trade to the ſubjects of both realms, were the only means for maintaining the public peace, by conſolidating the two kingdoms into one monarchy, granting to the Scots an equivalent for the loſſes which they had ſuſtained, admitting their induſtry to contribute to the common reſources, and obtaining by this communication, the ſervices of their ſeamen and ſoldiers, in the general defence of the empire.

“ A third change was made on juřiſdiction.”—

From the firſt propoſals of an union under James, to the treaty which eſtabliſhed it under Queen Anne, each nation had taken as the baſis of a treaty, the preſervation of its own laws, law courts, and the rights and privileges of individuals ; and the reaſon of ſuch a condition was not leſs obvious than it was ſtrong. The laws had been eſtabliſhed for the maintenance and protection of private property and perſonal rights ; both had ariſen out of the uſages and events of nations obeying different ſovereigns, and living under a diſtinct government : It was therefore impracticable to transfer the laws and juřiſdictions which prevailed in the one country to the other, without overſetting the tenures by
which

which property had been held, and the usages by which rank, rights, and privileges had been acquired; and it was not less impracticable, to transfer the laws themselves, than the Law Courts which administered them. The laws had sprung from different sources, and had been interpreted in different courts of justice by different maxims.

The laws of England had arisen out of the situations of the people, and were divided into common and statute; the former consisting of general customs, interpreted* by practice alone; the latter consisting of statutes, acts, and edicts, made by the King's Majesty, by and with the consent of the Lords spiritual and temporal and Commons, in Parliament assembled†, interpreted, except in ecclesiastical courts, and courts of admiralty, by themselves only.

The laws of Scotland had also arisen out of the statutes and consuetudes of the country, but were interpreted in the courts of justice, chiefly by the maxims of the Civil or Roman law‡.

Under such circumstances, therefore, neither the private interest of the subjects in the separate nations,

* Blackstone, Vol. I. p. 70.

† Ibid. p. 84.

‡ Erskine's Institutes of the Laws of Scotland.

nations, nor the laws by which that interest had been protected, nor the courts of law which were proper in one country, could be transferred to the other, so that the argument at the union attempted by James, that it was impossible to unite the Parliaments of the two realms, without obliging the Scots to become subject to the laws of England, proves only the incorrect views then taken of an union, and that from the fact in the union of Queen Anne, the two nations could be united, and yet each be allowed to preserve its own laws and law courts, in so far as they regarded private rights and property. A mode however was devised, of indirectly improving upon the laws of Scotland, by appeals being made competent to the House of Peers, coming in the place of the Scottish Parliament and Privy Council; by the decisions of these Peers leading to new acts of the British Legislature, for rendering private rights more perfect; and by abolishing those jurisdictions, which were found to be inconsistent with the due administration of it, extending however the laws of England to Scotland, in all cases which regarded the revenue paid by the subjects of that country from their being admitted under the public laws of the United Kingdom, to the privileges of commerce. Hence the article in the union, for establishing a Court of Exchequer in Scotland, under
the

the same regulations as that in England, in place of the former Court of Exchequer, which had judged and decided on the fiscal maxims which obtained in that country, while its resources and commerce were narrow and local.

The general result therefore from this review of the government and jurisdiction seems to be:

—That the union introduced one uniform and defined legislature, common to the two kingdoms; gave to the representatives of the Peerage of Scotland the same legislative and judicial powers and privileges which were secured to the English Peerage at the settlement of the government; and to the commons representatives of Scotland, the same privileges of all money bills, affecting their constituents, originating in the House of which they were a component part; and a voice, in the same manner, in the appropriation of the amounts for public service:—That the union also established one system of public law, for the preservation of peace and order in both kingdoms:—That while it left their laws and law courts to each nation, it indirectly improved on the laws of Scotland, by the decisions of the House of Peers, leading to new acts calculated to meet the progressive advances of manufactures and trade; and that it introduced an uniformity of judgements in the courts of revenue in both Kingdoms.

“ The

“ The fourth change was, on the resources or revenues, of the two kingdoms.”

The revenues of the Crown of England, in feudal ages, were narrow and limited, arising from the Crown lands or King's domains, and from such aids as, from time to time, the great council of the Nation or Parliament, granted to the King, to enable him to carry on the foreign wars in which he was engaged, or to levy and maintain forces and equip fleets, for the defence of the realm. These revenues however, had been gradually increased with the advances of commerce, and after the Commons House became a distinct branch of the constitution, it brought forward its privilege, that money bills should originate in the representatives of the people only.

The grants, however, given by the Commons, were for a limited time; in some cases during the life of the reigning sovereign, in other cases, for a specified number of years. This was the state of the revenue, even in the time of Queen Elizabeth. These sums were limited and precarious, and it was the narrow state of the resources of the Crown, connected with the factious spirit which prevailed during the reign of Charles I, that drove that unfortunate monarch to measures equally fatal to himself and to the country.

The same cause continued during the reign of Charles II; and it was not till after the accession of King William, and during the struggles made for maintaining the balance of power in Europe, that the revenues began to take the new aspect of national funds, enabling the government to maintain those armies and fleets, required either for the protection of the kingdom and its foreign dominions, or to give it that influence among the European nations, to which, from local situation and from naval power, it was entitled.

The revenues of Scotland corresponded with the narrow commerce of that country, at the time of the accession of James. They arose from the crown lands, and such temporary aids as the appearances of invasion of the borders drew from the nobles and the landed proprietors, and from the temporary contributions by the towns; so that its Kings were compelled to receive aids which France gave, to keep open a communication with Scotland, for creating a diversion on the most defenceless frontier of England. In return, the Scots reinforced the French armies, which acted against the remaining English provinces on the Continent.

The state of the revenues will be found in the documents produced before the Commissioners who

who settled the treaty of union, and will afford a correct view of the resources of both countries at that memorable transaction. After the union of the two Crowns, those military connexions with France were at an end, but during the turbulent reigns of the Stuarts, secret negotiations with that country were carried on, in which the narrow resources of the Crown of England alone explain its Kings's submitting to receive pecuniary aids from France. A comparison of the amounts of the revenues of England and of Scotland, at that time, with the progressive advances of the same revenues at this period, will furnish a striking proof of the benefits arising from the union.

The amount of the revenues and public income, in the Kingdom of England in 1705, as they were appropriated for the support of her Majesty's household, and the honor and dignity of the Crown, was £.5,691,803. 3s. 4½d.*

The debts of the kingdom of England, borrowed on several funds established by act of Parliament, amounted at that time to £15,585,722. 15s. 7d. so that there was a difference between the revenues and the debts of £9,893,919.†

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* Appendix, No. LXVIII. p. dl.

† Ibid, p. dlx.

It was certain duties of customs and excise, applicable to the payment of particular parts of this revenue, which formed one of the principal subjects of discussion in the treaty of union, it being proposed on the one hand to extend those duties to Scotland, and it being required on the other, that if such duties should be extended to that country, it should have an equivalent, because the amounts to be raised by such duties in Scotland, were to be made applicable to the payment of debts contracted by England before the union. The sum to be appropriated for this purpose, was, what was termed the equivalent, amounting to £.389,085. 10s. which sum was to be advanced by England in the first instance ; but this advance to be set off against the duties which were to be progressively obtained from certain duties of customs and excise of England, being for a specified time to be imposed on Scotland.

In order to perceive the state of the revenue at this period in Scotland, its computed amount, or £.160,000 was produced, but from this sum was to be deducted the debts due to the army, and the sum allotted the civil list, which were calculated at nearly the same amount with that

that computed revenue *. Such were the general views taken of the subject; and in order to illustrate the state of the revenues and debts of the two countries, the following accounts were made up, with the object of ascertaining the equivalent; but in the present time, they will also serve to institute a comparison between the former and the present revenues of the two kingdoms, and while they shew the progressive increase of the same revenues, they will prove the beneficial consequences of the union, on the resources of the united kingdoms.

An account was therefore next produced of the annual produce of the customs of England, taken from a medium of three years, ending at Michaelmas 1705, specifying the times or terms for which these customs were to continue, and the services to which they were to be applied. The amount in this account was £.1,341,559; but to this was added the duties on coal, culm, &c. appropriated towards the payment of annuities, amounting to £.110,958.†

In order to shew the proportions which the customs of Scotland did bear to those of England, exclusive

* Appendix, No. LXVIII. p. dlxx.

† Ibid: p. dlxxiv:

exclusive of such increase, as might arise by higher duties or greater importations after the union, another computation was made of the amount of the duties of customs in Scotland, stating the sum at £.30,000, of which the whole, by computation, was appropriated, except £.570.*

An account was next made up of the produce of excise on beer and ale in England, from the same medium of the three years, ending at Michaelmas 1705, specifying the times or terms which the several branches of it were to continue. The sum stated was £.677,765, from which certain items were to be deducted, so that there only remained unappropriated £85,581. 6s. leaving the total of the duty of excise applicable to the payment of debts, at the sum of £592,183. 14s. per annum †.

In order to shew the proposition which the duties of excise upon liquors in Scotland, did bear to that revenue in England, exclusive of the increase that may arise by the higher duties or greater consumption, after the union, an account was produced, shewing by computation, the amount
to

* Appendix, No. LXVII. p. dlxxv.

† Ibid. p. dlxxxii.

to be £33,500, of which the whole, by a like computation, was appropriated, except £3,025*.

From those vouchers it was concluded, that if the customs of Scotland now let at £30,000, per annum, be applied, according to the principle upon which the equivalent was to be given, that is, the proposition in which these duties raised in Scotland were to be applied to the payment of English debts, £23,761, would be so applied, £5669 to the civil list, and £550 to the general expence; and it was thence inferred, that for every £1000 increase of duties of customs in Scotland, applicable to the payment of English debts, the proportion would be for such debts £792, for the civil list £189, and for the general expence £19.

A like account, by computation, was instituted respecting the excise in Scotland, and the sum stated was £33,500, so that the proportions were for English debts £20,936, for civil list £9,539, and for general expence £3,025. It was thence inferred, as in the preceding case, that for every £1,000 of encrease of duty of excise in Scotland,

* Ibid. p. dlxxxi.

Scotland, £.625 would go to English debt, £.285 to the civil list, and £. 90 to general expence*.

These documents go to establish the state of the revenues in both countries, when the treaty of union took effect, and will explain the nature of the equivalent, as well as the principle upon which it was given, to be the consolidation of the revenues and resources of the united kingdoms.

In order to perceive the effect produced by the union, we shall next state what the revenues and customs of England have been in a later period.

In 1791, the gross receipt of the customs was £.5,758,500, the net produce was £.3,936,499.

In 1797, the gross receipt was £.6,065,203, the net produce was £.3,903,313†.

The revenues of excise in 1791, were gross receipt £.9,310,497, net produce £7,821,461.

In 1797, the gross receipt was £.11,069,668, the net produce £.9,438,380.

With these views of the English duties of customs and excise, we have to connect the amount of the similar duties in Scotland.

In

* Appendix, No. LXVIII. p. dlxxxiii.

† Appendix, No. LXIX. p. dlxxxvii.

In 1791, the gross receipt of the customs in Scotland was £287,318. 2s. 11d., nett produce £139,538. 8s. 0d.

In 1797, the gross receipt was £274,645. 17s. 4d., the net produce, £119,594 3s. 4d.

In 1791, the duties of excise were, gross receipt £498,411, net produce £375,667.

In 1797, the gross receipt was £851,775 nett * produce £695,412, 16s. 1d.

The inference from this comparison between what these duties of customs and excise amounted to both in England and in Scotland at the union ; and what the recent amounts have been, shews in the first place, the state of the resources of the nation, in the beginning and in the end of the present century ; and next, that this difference does not arise in either country, in having had these amounts laid upon property, landed or commercial, remaining of the same value, but upon property of both descriptions, in consequence of improvements in agriculture, the introduction of arts and manufactures having brought both to that value, which enables the proprietors to contribute so largely to the public resources.

“ A fifth change was made on the Navigation
“ and Commerce of the Two Kingdoms.”

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From

* Ibid.

From an account of the total value of the imports into and exports from England, from 1755 to 1797, distinguishing in each year the British manufactures from the foreign merchandize exported; the change will appear in the following proportions:

Years.	IMPORTS.		EXPORTS.			
			British Manufactures.		Foreign Merchandize.	
	£.	s.	£.	s.	£.	s.
1755	8,772,865	2	7,914,864	3	3,150,379	4
1765	10,980,883	12	10,122,031	15	4,451,097	10
1775	13,548,467	10	9,728,795	5	5,473,570	8
1785	14,899,942	15	11,074,825	—	4,687,268	14
1795	21,468,369	8	15,489,751	3	10,656,595	14
1796	21,462,709	15	17,967,803	10	11,228,386	18
1797	19,520,872	8	15,865,426	8	11,834,462	16

* Appendix, No. LXX. p. dlxxxix.

No account appears to have been kept in Scotland, at the time of the union, of the imports and exports of that kingdom. One fact however is striking, that in the contests which arose between the Commissioners of both countries, on the subject of admitting the Scots to the privilege of trading to the British Plantations in 1702-3, the Scotch Commissioners were willing to give up the general right, provided that *four* vessels were allowed annually to go direct from Scotland to the Plantations, and to return with produce to Scotland, for consumption in that country only; and this at the very time, when they were seeking reparation for the injuries which the Scotch Company had experienced at Darien, and while their African Company was struggling for existence only. After the union however had conferred upon the Scots the same privileges of trade with the English, the situation of Glasgow, and of other towns of Scotland, enabled them to open an extensive trade to America, which not only raised those towns to considerable wealth and increase of inhabitants, but introduced those arts and manufactures, which have kept up their trade, since the independence of America enabled it to send tobacco and other produce, to the European markets in general.

The

The accounts of imports and exports to Scotland, from 1755 to 1797, will appear in the following proportions, *viz.*

*Years	Imports.	Exports.
	£.	£.
1755	465,411	284,700
1765	922,401	400,888
1775	1,267,388	348,667
1785	1,379,476	659,546
1795	1,268,520	848,461
1796	1,724,610	1,134,416
1797	1,493,084	1,037,676

Connected with this encrease of imports and exports in both kingdoms, is the corresponding advances of their navigation.

The number of British vessels, with the amounts of their tonnage, including their repeated voyages, which entered inwards and cleared outwards, in the several ports of England, was

Years†	INWARDS.		OUTWARDS.	
	Vessels.	Tons.	Vessels.	Tons.
1772	6,008	645,310	8,061	882,008
1797	7,323	993,950	7,756	974,596

And

* Appendix, No. LXXI. p. dxcii.

† Ibid. LXXII. p. dxciii.

And the number of British vessels, with the amount of their tonnage, including the repeated voyages, which entered inwards and cleared outwards, in the several ports of Scotland, was,

Years *	INWARDS.		OUTWARDS.	
	Vessels.	Tons.	Vessels.	Tons.
1772	1,690	112,492	1,347	95,803
1797	1,758	127,754	1,365	103,239

The inference from these accounts seems to be, that the union has tended in almost an indefinite proportion, not only to encrease the commerce and navigation of England, but has created in a great measure, an extensive commerce and navigation in Scotland, adding thus equally to the resources, and to the naval strength of the united kingdom.

The general result therefore from this review, of the revenues, commerce and navigation of England and Scotland, since the period of the union is :—

—*That the establishment of the same public law, for guarding the internal tranquility and peace of the two realms, and the establishing of similar courts of revenue*

* Appendix, No. LXXII. p. dxciii.

venues, for protecting the rights of the Crown and of the subject, in both kingdoms, connected with the common privileges of trade, which the British subjects enjoy, has encreased the resources of the united kingdoms, by calling forward the industry of all the inhabitants, and extending the commerce and navigation of both to a degree of magnitude which neither could have been expected nor even augured.

The most important effect of the union, which however may be considered only as a consequence of the changes already enumerated, was the security given to the political and commercial influence of Great Britain, in the balance of power in Europe.—

Towards the close of the seventeenth century, the ambition of Louis XIV had projected the conquest of Flanders and of Holland, which would have opened the North of Germany to his armies, while a branch of his family was placed on the throne of Spain to command the south of Europe, and thus lay the foundations of an universal monarchy.—

After the accession of King William to the throne of England, alliances between the maritime powers, and with the greater German States were formed, to counteract these mighty projects of France, or to preserve a balance of power in Europe.

Among

Among the projects of France, was that exciting a rebellion in Scotland. The pretext was the restoring of the abdicated family ; the reality was, to oblige the English government to withdraw forces from the allied armies.—

The succession to the throne had been settled in England in the Protestant line, but the Scottish Parliament and nation had refused to pass a similar act, not because they were less disposed than the English, for the Protestant succession, but because they saw the importance of making this succession the means of procuring for them the English privileges of trade.

England therefore communicated its privileges of trade to Scotland at the union, and Scotland passed an act for the same succession to the Crown, as that which had been settled in England.

France perceived the wisdom of these political arrangements, and determined, if possible, to overset them.

The year after the union 1708, this restless nation fitted out an armament, to support the adherents of the abdicated family, and trusted to the co-operation of the factions, in Scotland, who had declared against the union. The vigilance of the British fleet prevented the invasion. Both nations began

began to perceive the benefits of the union, and time made them as zealous in supporting it, as they at first had been in resisting it.—Hence, in 1715, and 1745-6, when rebellions in Scotland actually took place, the promises of the invaders to annul the treaty of union, and to restore the Parliament of Scotland, were not listened to by the nation, and scarcely heard among the rebels. This fact proves, that the union, by giving security to the internal government of Great Britain, and invigorating the strength of both realms, gave a new weight to the united kingdom in the scale of Europe.

The commercial effects have already been established upon the most positive evidence; so that those evils of a degraded Scottish nobility, a neglected and nominal representation of counties and towns, or commercial ruin from duties of customs and excise, which were prognosticated by the opponents to the union*, in the Scottish Parliament, so far from having been realised by the treaty of union, now held to be a fundamental law of both realms, have in all these instances produced instead of evil, substantial national benefits, and

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placed

* Lord Belhaven's speech or *vision*, delivered and published in Scotland at the time of the union.

placed Great Britain in that proud situation, in which it now stands, that of being the only country in Europe, possessed of resources and spirit to resist that anarchical ruin which at present desolates the continent.

The result therefore seems to be, that the union, by consolidating the strength of Great Britain, and by giving equal opportunities to the subjects of every description for the exercise of industry, has not only enabled Great Britain to add to its political and commercial influence, and to preserve the balance of power in Europe for a century, but when that balance has ceased to be upheld by the continental Powers, to maintain its own power and trade against the unprincipled Republic of France, now sweeping before it the venerable fabrics of ancient arts and civilization; and we trust will preserve it, leaving the surviving nations of Europe to regret that inactivity and those jealousies, which have been the sources of all their calamities.

I have thus endeavoured to place before your Grace the evidence regarding the memorable union between England and Scotland; an event which has been the source of security to personal right and to property in the two kingdoms, and has consolidated the constitution, upon which the safety and happiness of the British nation are placed.—

It

It cannot have escaped your Grace's notice, that a century was required, and many calamities in that century, to open the minds of the subjects of either country, to the conviction of what experience has proved to be, a measure calculated to promote equally their national greatness, and to give to both kingdoms a commercial prosperity, unknown to any people. This fact establishes the useful lesson, that when men are guided by their prejudices, they are the authors of their own misfortunes, and in danger of becoming a prey to an insidious and ambitious enemy.

I have the honor to be

my Lord

Your Grace's

most faithful and
most obliged servant

John Bruce

To

His Grace

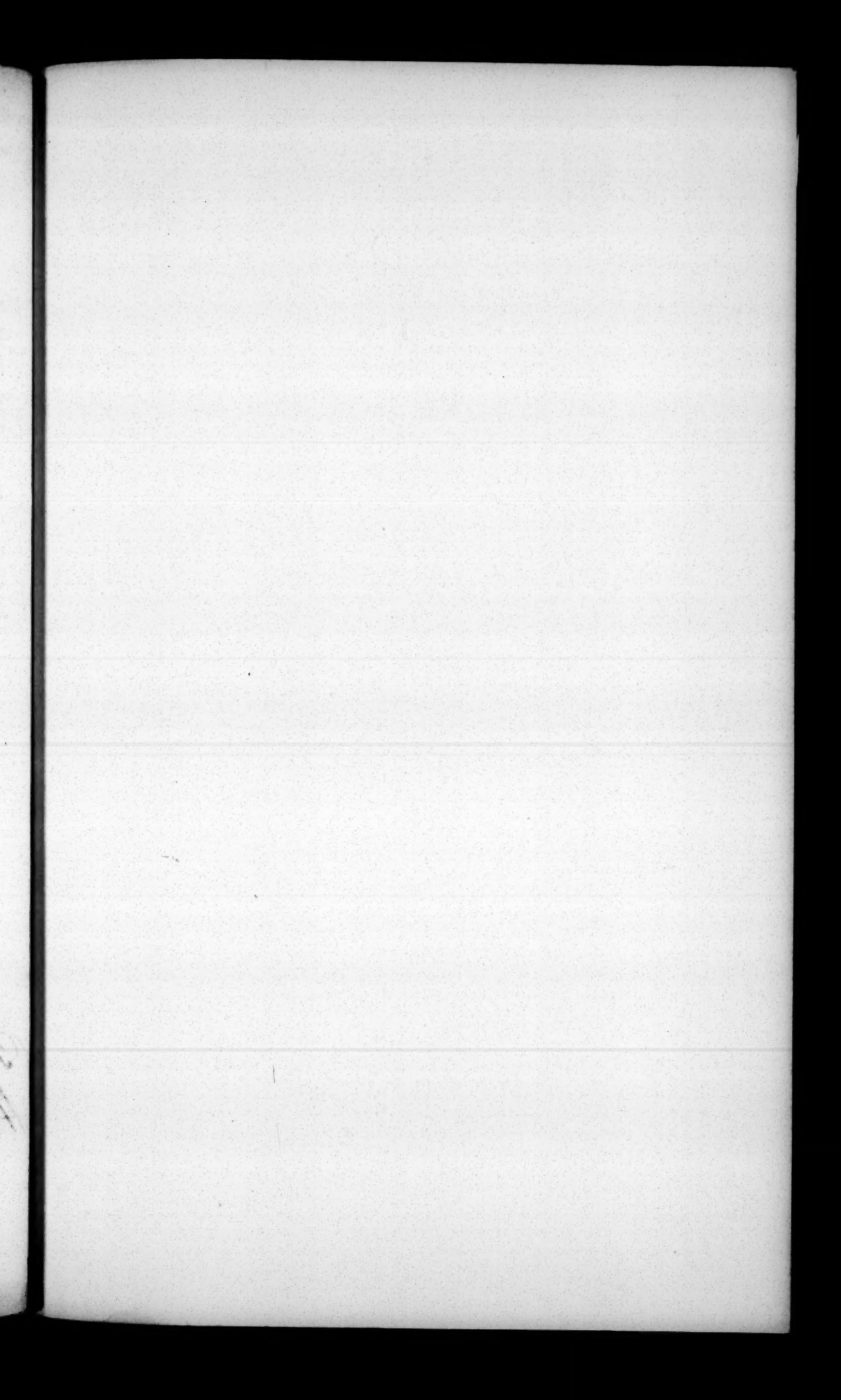
The Duke of Portland

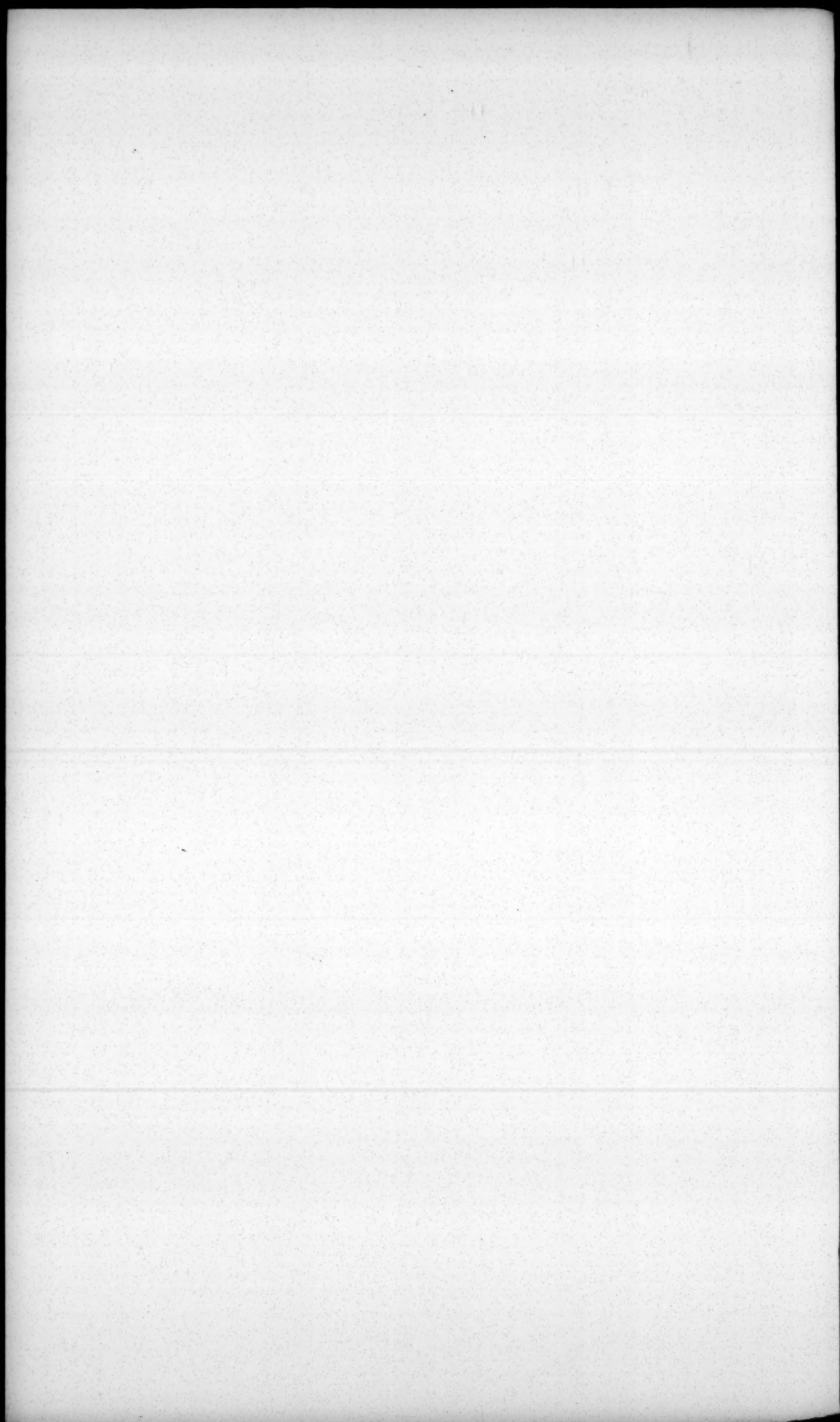
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*I have the honor to be
very much obliged
to you for the
most faithful and
correct copies of the
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*Yours
Wm. D. Drake & Co.*





Presented
by
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March 8. 1799

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APPENDIX

TO

REPORT,

ON THE

EVENTS AND CIRCUMSTANCES, WHICH PRODUCED THE UNION OF THE KINGDOMS OF ENGLAND AND SCOTLAND; AND ON THE EFFECTS OF THIS GREAT NATIONAL EVENT, ON THE RECIPROCAL INTERESTS OF BOTH KINGDOMS; AND ON THE POLITICAL AND COMMERCIAL INFLUENCE OF GREAT-BRITAIN, IN THE BALANCE OF POWER IN EUROPE.

5



C O N T E N T S.

Appendix	Page
I.—A Collection of the English and Scottish Border Laws.	
1.—English Border Laws. - - - - -	i
2.—Scottish Border Laws. - - - - -	vi
II.—The several Conferences with the Lords, and Debates in the Lower House, touching the Union. - - - - -	xv
III.—Minutes of Preface to the Act of Union. - - - - -	xxiv
IV.—The Act, authorising Commissioners for England to treat, &c. - - - - -	xxvi
V.—The Speaker's Speech to the King, de- claring Consent of the Commis- sioners, concerning the Union. - - - - -	xxxi
VI.—Objections against the Change of the Name or Style of England and Scot- land into the Name or Style of Greate Brittany, to be moved and debated in the Conference betweene the Lords and the Comons, and to that End, by the Comitties of the House of Com-	

CONTENTS.

Appendix	Page
Com̃ons collected, reviewed, and reduced into Order, for there better Instruction. - - - - -	xxxv.
VII.—Notes of Debates in the First Seſſion, touching the Union. - - - - -	xl
VIII.—Reasons conceived about the Union, both for the Commodities and Discommodities that may ensue thereof, unto this Realm, by that of the Union that doth concern Commerce. - -	xlvi
IX.—The Copie of the Kinges Mãties Declar̃con to the Lower House of the Parlm̃t, written w̃th his own Hand, concerning the Matter of Union. 2 May, 1604. - - - - -	1
X.—The Ks Addition to his Speech, written with his own Hand, concerning the Use of Brittany in the Treaty of Union. - - - - -	liii
XI.—A Briefe of the King's Speech, att the breaking up att the First Seſſions of Parliament. - - - - -	liv
XII.—Commiſſion of King James to the Parliament of Scotland. 26 April, 1604. - - - - -	lx
XIII.—Commiſſioun for the Unioun. 11 June, 1604. - - - - -	lxv
XIV.—Proclamation anent his Majesties new Style and Titill of King of Great Britaine. 15 Nov. 1604. - - - - -	lxx
XV.—Articles of Union. 1604. - - - - -	lxxiv

XVI.

CONTENTS.

Appendix	Page
XVI.—Copie of his Majesty's Letter to the L ^d Viscount Cranborne, concerning the Union. - - - - -	xcv
XVII.—Explanation, or the King's last Speech to the Parliament. - - - -	xcviii
XVIII.—A Speech used by Sir Francis Bacon, in the Lower House of Par- liament; quinto Jacobi, concern- ing the Article of Naturalization of the Scottish Nation. - - - - -	cii
XIX.—Collection of Restrictions proposed by the Lower House, the 6th of March, 1606, in point of concur- rency. - - - - -	cxxix
XX.—Considerations offered unto the Lords, by the House of Commons, in the Conference, touching the Naturali- zation of the Scottish Men. - - -	cxxxvii
XXI.—A Breefe of his Maties Speech to the Parliament Houses. 2 May 1607. -	cxlii
XXII.—Act anent the Unioun of Scotland and England. 11 August, 1607. - -	cxlviii
XXIII.—Extracts from Orders of the Par- liament, 1650-1. - - - - -	clxix
XXIV.—Extracts from a Book marked Usurper's Council Book. 16 Dec. 1653. - - - - -	clxxi
XXV.—Extracts from a Book marked Usurper's Council Book. 19 Dec- 1653. - - - - -	clxxiv

XXVI.

CONTENTS.

Appendix

- XXVI.—Instrument for the Government
of the Commonwealth of England,
Scotland, and Ireland, as declared at
Westminster. 16 Dec. 1653. - - - clxxvi
- XXVII.—Extracts from a Book marked,
Ufarper's Council Book. 1653-4. - - ccciii
- XXVIII.—Instruccions for y^e Councell
17 August, 1654. - - - - - ccxxi
- XXIX.—A List of the Names of the Per-
sons, returned to serve in Parliament,
in the year 1656. - - - - - ccxxxiii
- XXX.—Summons to meet in Parliament. - cclxiv
- XXXI.—A Paper of the Proposals of the
Com^{rs} for the Kingdome of Scot-
land, relating to the Act con. Ship-
ping and Navigation. 21 Jan. 1667-8. - cclxviii
- XXXII.—Draught of particulars to be
mentioned in the Begining of the
Answer to Scotts Demands. - - - - ccliv
- XXXIII.—Sco: Com^{rs} Paper, refusing to
make further Proposals, till the
Business, conc: Navigation, be set-
tled. 29 Jan. 1667-8, - - - - cclviii
- XXXIV.—Eng^h Com^{rs}: Answer to the
Sco: Com^{rs}. 2d Paper. 1 Feb.
1667-8. - - - - - cclx
- XXXV.—The Proposals and Demands of
the Com^{rs}. for Scotland, dated and
delivered, 3 Feb. 1667-8. - - - - cclxiii
- XXXVI.—Eng^h: Com^{rs}: Concessions,
conc: Navigation. 16 March, 1667-8. cclxviii
- XXXVII.

CONTENTS.

Appendix	Page
XXXVII.—Sco: Comrs: Paper, (demanding wt is meant by the Clause in their Paper of the 16 March, 1667) concerning propositions made from the Parlt of Scotland to his Māty, in 1660. 18 March, 1667-8. - - -	cclxxix
XXXVIII.—Eng ^h Comrs Paper, wherein they explain, wt is meant by the Clause, in their Paper of the 16th May, 1667, the Proposition made by the Parlt of Scotland to his Māty, and again demand a List of Ships. 1 April, 1668. - - -	cclxxxi
XXXIX.—An Abstract, for his Māty, of the Act of Navigation. 20 May, 1668. - - -	cclxxxv
XL.—Sco: Comrs Answer to the Eng. Comrs Concessions, conc: Navigation (and wherein they promise a List of their Shipping) 28 May, 1668. - - -	cclxxxix
XLI.—Demands of the Comrs of England, and Concessions on other Heads, besides Navigation. 29th July, 1668. - -	ccc
XLII.—Draft of Instructions given to the Comrs of England: 1669-70. - -	cccvii
XLIII.—Letters from King Charles, and the Answers and Resolutions of the Parliament of Scotland, touching the Unioun. 19 Oct. 1669. - - -	cccxi
XLIV.—Commissioners for England, for the Treaty of Union, intended betweene the two Kingdoms of England & Scotland. 1670. - - -	cccxxii

Com-

CONTENTS.

Appendix	Page
Commissioners for Scotland, &c. -	cccxxiii
XLV.—His Ma'tys Message to the Commissioners for the Union. 17 Sep. 1670. - - - - -	cccxxv
XLVI.—Letters from K. William to the Estates of the Parliament of Scotland, with their Answers, from 16th March to 24th April, 1689. - - -	cccxxviii
XLVII.—Extracts from the King's Speeches, 1689, 1699, 1701. - -	cccxxxviii
XLVIII.—Queen Anne's Warrant, appointing Commissioners for England. 25 Aug. 1702. - - - - -	cccxlii
XLIX.—Letters from Queen Anne to the Parliament of Scotland, Answers of the Parliament, and Act appointing Commissioners. 1702. - - - - -	ccclii
L.—Extracts from the Minutes of the Conferences, relative to the Treaty of Union, in the years 1702 and 1702-3. -	ccclx
1. Lord Keeper's Speech to the Scotch Commissioners, and Duke of Queensberry's Reply. 10 Nov. 1702. - - - - -	ib
2. Message from Queen Anne to the Commissioners, on the Union. 18 Nov. 1702. - - - - -	ccclxii
3. Preliminary Articles offered by the Commissioners for England. 18. Nov. 1702. - - - - -	ccclxiii

CONTENTS.

Appendix	Page
L.— 4. Preliminary Articles, offered by the Commissioners for Scotland. 20 Nov. 1702. - - - - -	ccclxiv
5. Additional Articles, offered by the Commissioners of both King- doms; Committee appointed. 20 & 25 Nov. 1702. - - - - -	ccclxv
6. Explanations of the Preliminary Articles by the Commissioners of England. 30 Nov. 1702. - - -	ccclxvi
7. Explanation by the Lords Com- missioners of Scotland. 5 Dec. 1702. - - - - -	ccclxvii
8. Additional Explanation of the Lords Commissioners for Eng- land. - - - - -	<i>ib.</i>
9. Proposals by the Lords Com- missioners for England. - - - -	ccclxviii
10. Proposals by the Lords Com- missioners for Scotland. - - - -	ccclxix
11. Answer by the Lords Com- missioners for England. - - - -	ccclxx
12. Answer by the Scotch Com- missioners. 9 Dec. 1702. - - - -	<i>ib.</i>
13. Queen's Speech to the Com- missioners. 14 Dec. 1702. - - -	ccclxxi
14. Considerations of the Lords Commissioners for England, upon the proposals delivered by the Lords Commissioners for Scot- land. 16 Dec. 1702. - - - -	ccclxxii
16. Articles	

CONTENTS.

Appendix

Page

L.— 15.	Articles agreed on by the Lords Com ^{rs} for both Kingdoms, in the Terms of the Preliminaries, and to take place, when the Union shall be completed. 2 Jan. 1702-3. - - -	ccclxxv
16.	Articles drawn up by the D. of Queensberry, as the Result of the last Conference. 18 Jan. 1702-3. - - - - -	ccclxxvii
17.	Considerations offered by the Lords Commissioners for England. 23 Jan. 1702-3. - - - - -	ccclxxix
18.	Answers to these Considerations, by the Commissioners for Scotland. 25 Jan. 1702-3. - -	ccclxxxii
19.	Answers by the Lords Commissioners for England, and Explanations by those for Scotland. 27 Jan. 1702-3. - - - - -	ccclxxxviii
20.	Propofal of the Scotch Commissioners, on the subject of the African Company. - - - -	ccclxxxix
21.	Answer of the Lords Commissioners for England, and Explanation by those for Scotland. 28 Jan. 1702-3. - - - - -	<i>ib.</i>
22.	Article regarding the Debts of England, agreed on by the Commissioners for both Kingdoms. 30 Jan. 1702-3. - - -	cccxc
23.	Arguments offered by the Scottish Commissioners, in favour of	

the

CONTENTS.

Appendix	Page
L.— the African Company. 1 Feb. 1702-3. - - - - -	cccxcii
24. Letter from the Queen, ad- journing the Meeting of the Commissioners. 23 Feb. 1702-3. -	cccxciii
LI.—Resolution of the Parliament of Scotland, recalling the Powers of the Commissioners for the Union. 9 Sept. 1703. - - - - -	cccxcv
LII.—Queen Anne's Letter, of 25 June, read to the Scotch Parliament, 11 July, 1704. - - - - -	cccxcvi
LIII.—Resolutions of the Scotch Parlia- ment. 13 July, 1704. - - - - -	cccxi
LIV.—A&t for the Security of the King- dom of Scotland. 5 August, 1704. -	cccxi
LV.—Resolutions of the House of Lords to pass certain Bills, prohibiting Connexions with Scotland, till its Parliament appoint Commissioners for an Union, and agree to the A&t of Succession. 11 Dec. 1704. -	cccxi
LVI.—An A&t for the effectual securing the Kingdom of England, from the ap- parent Dangers that may arise, from several A&ts, lately passed in the Par- liament of Scotland. 3 & 4 Q. Anne, cap. 7. - - - - -	cccxi
LVII.—Queen Anne's letter to the Scotch Parliament. 18 June, 1705. - -	cccxi
LVIII.—Resolutions of the Parliament of Scotland. 17 July, 1705. - - - -	cccxi
LIX. Pro-	

CONTENTS.

Appendix	Page
LIX.—Proceedings of the Parliament of Scotland, in appointing Commissioners to treat of an Union with England. From 31 Aug. to 21 Sep. 1705. - - - - -	ccccxxii
LX.—Queen Anne's appointment of Commissioners for Scotland. 27 Feb. 1706. - - - - -	ccccxxxv
LXI.—Queen Anne's appointment of Commissioners for England. 10 April, 1706. - - - - -	ccccxli
LXII.—Names of Commissioners for England and Scotland. 16 April, 1706.	ccccxlvii
LXIII.—Extracts from the Minutes of the Conferences, relative to the Treaty of Union, in the year 1706. [From De Foe's History of the Union.] -	cccl
1. Speech of the Lord Keeper of the Great Seal of England. 16 April 1706. - - - - -	ib
2. Speech of the Earl of Seafield, Lord High Chancellor of Scotland. 16 April, 1706. - - - - -	ccclii
3. Preliminary Articles. 22 April, 1706. - - - - -	cccliii
4. Proposals by the English Commissioners, for adopting the Name of Great Britain, for the United Kingdoms, and respecting the succession to the Monarchy. - - - - -	cccliv
5. Proposals, on the same Subject, by the Scotch Commissioners. 24 April, 1706. - - - - -	ccclv
6.	

CONTENTS.

Appendix	Page
LXIII.—6. Conditional Agreement of the Commissioners, on these Subjects. 26 April, 1706. - - - - -	cccclvi
7. Proposals by the English Commissioners, on the Duties of Customs, and Regulation of Trade, and Answers of the Scotch Commissioners. 29 April, 1706. - -	cccclvii
8. Proposals of the Commissioners for England and Scotland, on the Duties of Excise; Explanation by those of Scotland and England; and Specification of the temporary Exemptions to Scotland. 10 May, 1706. - - - - -	cccclix
9. Queen's Speeches to the Commissioners of both Kingdoms. 21 May, 1706. - - - - -	cccclxviii
10. Explanations by the Commissioners for England, on the Exemptions to be given to Scotland, and on the Proportions of the Land Tax for each Kingdom, and Answer of the Scotch Comrs. 23 May, 1706. - - - - -	cccclxix
11. Proposals of the Scotch Commissioners, on the Subjects of Courts of Justice; and Acceptance of these Proposals by the Commissioners for England. 29 & 30 May, 1706. - - - - -	cccclxxiii
12. Explanations of the Commissioners for England, on the Subjects of the Duties on Salt, and salted Provisions; and Answers of the	

CONTENTS.

Appendix	Page
LXIII. the Scotch Commissioners. 5 & 7 June, 1706. - - - - -	ccccclxxvi
13. Proposals of English Commissioners, and Answers by the Scotch Commissioners, on the Subject of Admiralty Jurisdictions. 5 & 11 June, 1706.	ccccclxxxvii
14. Proportion of Scotch Peers and Commoners, to be admitted into the British Parliament. -	ccccclxxxviii
15. Uniformity of Coin, Weights, and Measures. - - - - -	ccccxciii
16. Laws, inconsistent with the Union, to cease and determine. -	ccccxcv
17. Equivalent to Scotland, for becoming chargeable with Duties, applicable to the Payment of English Debts, and annulling the Charter of its Company trading to Africa and the Indies. - - - - -	ib.
18. Regulations of the Act of Navigation extended to Scotch Shipping. - - - - -	div
19. The Seals for Public Acts, in the United Kingdom, and the Seals for Private Rights. - - - - -	dvii
20. Progress of Writs to be issued for calling the British Parliament. - - - - -	dix
21. Armorial Bearings of the United Kingdom. - - - - -	dxi
22. Period	

CONTENTS.

Appendix	Page
22. ¹ Period of the Commence- ment of the Union. - - - - -	dxii
LXIV.—Speeches of the Lord Keeper of England, and Chancellor of Scot- land, and Answer of the Queen. - -	dxvi
LXV.—Articles of the Union, signed and sealed by the Commissioners of England and Scotland. 22 July, 1706. - - - - -	dxxi
LXVI.—Letter from Her Majesty to the Parliament of Scotland. 3 Oct. 1706. -	dxlii
LXVII.—Queen Anne's Speeches to the English Parliament on the Union. 1706-7. - - - - -	dxlvi
LXVIII.—Accounts and Estimates of the Revenues of England and Scotland, referred to in the Treaty of Union. - -	dl
LXIX.—An Account of the Gross Receipt and Net Produce of the Revenues of Customs and Excise, in England, and in Scotland, in the following Years, distinguishing each Year. 1791 to 1797. - - - - -	dlxxxvii
LXX.—An Account of the total Value of the Imports into, and Exports from England, in the following Years, distinguishing each Year, and the British Manufactures from the Foreign Merchandize exported. 1755 to 1797. - - - - -	dlxxxix
LXXI.—An Account of the Value, a- greeably to the Estimates in the Books of the Inspector General of the Customs, of the Foreign Mer- chandize	

CONTENTS.

Appendix	Page
chandize imported into Scotland, and of the Scotch Produce and Ma- nufactures, exported from Scotland, in the following Years. 1755 to 1797. - - - - -	dxci
LXXII.—An Account of the Number of British Vessels, with the Amount of their Tonnage, including their re- peated Voyages, which entered in- wards, and cleared outwards, in the several Ports of England and Scot- land, in the following Years. 1772 to 1797. - - - - -	dxciiii

APPENDIX, No. I.

A COLLECTION of the English and Scottish BORDER LAWS.

PART I.

ENGLISH BORDER LAWS.

5 RICH. II, A. D. 1381, Cap: 2. Sect: 6.

And the King our Lord, of his Royal Majesty, defendeth the passage utterly, of all manner of people, as well clerks as other, in every port, and other town and place upon the coast of the sea, upon pain of forfeiture of all their goods; except only the lords, and other great men of the realm, and true and notable merchants, and the king's foldiers.

7 RICH. II, A. D. 1381, Cap: 16.

No Armour, or Viſtial, ſhall be ſent into Scotland, without the Kings' Licence, upon Pain of Forfeiture thereof.

Item, Eſt aſſentuz, et le Roi defende eſtroitement, qe decy en avant nulle perſone aliene ou denozien, de quelconque eſtat ou condition, qil ſoit ameſne, ou envoie, ou face ameſner, ou envoier par terre ou par meer, hors du roialme d'Engleterre, au aucunes parties d'Eſcoce, en
a prive

prive ne en apert aucune manere darmure de blee, de brees, ne d'autre vitaille, ou d'autre refresheement quelconque, sur peine de forfaiture de mesmes les vitailles, armures, et des autres choses avant-dites, ensemble avec les niefs, vesseulx, charettes, et chiyalx, qi les portent ou amesnent, ou de la verroie value dicelles, si ensi ne soit que le Roi nostre Seignur nent donne sa licence especiale a contraire. Et au fyn qe ceste ordinance soit duement gardez et mys en bone execution, est auxint assentuz, qe celluy qe apres qe proclamation ent soit fait purra espier et prover, qascun eit mespris ou forfait en aucun point contre la forme de ceste ordinance, eit la tierce partie des dites forfaitures entierement a son propre oeps pour son travaille.

4 HEN. V, A. D. 1416, Cap. 7. Sect. 6. 7.

And as for the remedy to be ordained for the King's liege people and subjects, that feel them grieved in the realm of Scotland, or in England, at the Marches joining to Scotland against the form of such truce, as afore is said, our Lord the King shall give power, by commission to the wardens, as well of the East Marches as of the West Marches, toward Scotland, and to every of them, to hear the complaints of all them his liege people and subjects, which be and shall be grieved; and to cause thereupon to be made request, by letters to be delivered to him, which hath done, or shall do such grievance, or to the wardens of the Marches or conservator of the truce of the parties of Scotland, if he may well do it, or otherwise to make proclamation, in open places, upon the Marches,
that

that he or they which have done such grievances against the truce, shall make due restitution or satisfaction to the party grieved: and if they do it not within a convenient time, then, at the instance of every of the King's liege people and subjects, which thereof feeleth and shall feel himself grieved in such case, letters of marque be given, in due form, under the seals of the said wardens, or under his seal, to whom the complaint shall be made in this case, without any difficulty.

Stat: 31. HEN. VI, A. D. 1451, Cap. 3.

Attachments in the East and West Marches shall be made, in Cumberland, Westmoreland, Northumberland, and the town of Newcastle only.

Item, Pur ceo qe come les gardeins de les marches adjoignauntez a Scotlond, appelez la Estmarche et la Westmarche, ount uses par leur ministres affaire attachementez, et dattachier homes par leur corps enles countees de Northumberl', Cumberl', et Westmerl', et en la ville de Novelcastell sur Tyne, et en nullz autres lieux, a respoudre au enditementz prises en les courtes appelez Warden Courtes des ditz Marches, pur attemptates supposes estre faites encountre la vertue des treues deins les ditz countes et ville. Et ore tarde les ministres et officers des ditz courtes aucun foitz, pur leur singuler lucre, et aucune foitz pour malice, qe eux ont portez au certaine persounes ont attache et preignent sur eux de jour en autre dattachier diverses et plusours personnes ben governees par leur corps, sibien en le counte d'Everwyk come en autres lieux, hors daucun des

ditz countes de Northumberl', Cumberl', ou Westmerl', ou ville de Novellchastell, nostre dit Seignur le Roy, considerant les premiffes par l'aucto-rite defuisdit, ad ordeigne et establie, qe si ascun ministre, d'ascun de les ditz courtes, attache ascun persone par son corps, ou par ses biens, hors d'ascun de les ditz countees de Northumberl', Cumberl', ou Westmerl', ou ville de Novellchastell, a respondre en ascune de les ditz courtes, ou par colour ou cause d'ascun manere de presentement, prise ou apprendre en ascun de les ditz courtes, qe il lirra a chescun persone le quel aviendra ensi destre attache de faire resistance, et nient dobeier null tiell attachement; et si ascune persone soit endamage ou greve par ascun tiel attachement, qil poit avoir en cell partie action de trespas ou faulx emprisonement encountre ceux, qi ascun tiel attachement en apres ferront ou facent affaire et en ceo a recovrer treble damages, si en ascun de les actions le matier plede passe ou soit adjuge pur le plaintiff, en ceo et le defendant davoir emprisonement de deux ans, et oultre ceo appaier au Roy 100^s. Et qe les justices de peas, en lour sessions de peas, viscountes, en lour tournes, & auxi seneschals des letes, en les letes par eux a teniers, eient poiar d'enquerrer de toutz tielx attachementez, faitz ou affaires hors d'ascun des ditz countees de Westmerl', Cumbr', ou Northumbr', ou ville de Novellchastell, et en ceo et sur ceo a fere et proceder, come eux puissent fere et proceder, sur presentements prises devaunt eux en leur sessions de peas, tournes ou letes de trespas ou affraies faitz encountre la peas du Roy.

23. HEN. VIII, A. D. 1531, Cap. 16.

It shall be felony to sell, exchange, or deliver to any Scottishman, or within Scotland, any horse, gelding, &c.

33. HEN. VIII, A. D. 1541, Cap. 6.

The Bill for Cross-Bows and Handguns.

2 & 3 PHILIP & MARY, A. D. 1555, Cap. 1.

Commissions shall be awarded to certain persons, to enquire what and how many castles, fortresses, villages, houses, & habitations, have been decayed, within the counties of Northumberland, Westmerland, and the bishoprick of Durham, and by whom, and by what means, and how many are meet to be re-edified, and how many are fit to be made of new, and in what places, and what parts of the said counties & bishopricks, are apt to be inclosed and converted to tillage, or other necessary manurance, and what persons be owners, lords, fermors, & possessors of the same, or claim any interest therein, and what estates they have; and thereupon to take such order for the re-edifying of such castles, houses, &c. and for the new erecting of others, and for the inclosing of such parts as shall be thought convenient.

1. ELIZ, A. D. 1558, Cap. 7.

A reviver of the Statute of 23d Hen. 8. Cap. 16, making it felony to sell, exchange, or deliver, within Scotland, or to the use of any Scottishman, any horse.

23 ELIZ, A. D. 1581, Cap. 4

The Queen shall and may, as need shall require, by commission under the great seal, give authority to certain Commissioners, in all and every the countis of Northumberland, Cumberland, Westmorland, and the county palatine of Durham, or in any one of them, to enquire what tenancies & houses of habitation, sithence Anno 27. Hen. VIII. be decayed, and not occupied by men unable to serve as horsemen or footmen, according to the ancient duty of those tenances; and to examine the probable causes of those ruins, and of all the wants & evil furnitures of the said horsemen & footmen, and to give order for the reformation thereof, with all speed, for the defence of the frontiers toward Scotland.

PART II.

SCOTTISH BORDER LAWS.

King JAMES I, 10th Parliament, Oct. 15th, 1431.

Cap. 128. *All Persons remainand in England, without the Kingis leave, committis Treason.*

Item, It is statute, that gif onie of the Kingis leiges passis in England, and residis and remainis there against the King's will, he fall be halden as traitoure to the King.

King JAMES I, 13th Parliament, Oct. 22d, 1436.

Cap. 141. *Affurance with English Men is Treason.*

Item, It is ordained, that na man be assured of Englishmen, nor take protections of them for lands
or

or gudes, bot allanerly the wardens, quhilkis fall have leave given by the King under the paine of treason.

Cap. 145. *Byeing and selling of English Guds.*

Item, It is ordained, that na man, under the pain of escheit, bye ony English claith, or uther gudes, within the kinrik of Scotland, fra Englishmen, or without; and that na Englishman havand conduct, bring in and sell, or change onie English gudes, bot gif thay gudes be specified, and leave given in his safe conduct, saifand in payment of ransome of Englishmen.

King JAMES II, 12th Parliament, Oct. 13th, 1455.

Cap. 50. *That nane passe in England in Time of Weir.*

Item, That na man passe into England, without leave of the King, the wardene, or of them he gives power to, in that part, in time of weir, under the paine of treason.

Cap. 51. *That na Englishman cum in Scotland without Conduct.*

Item, Gif onie Englishman cummis in the kinrik of Scotland, to kirk, mercat, or onie uther place, but conduct or assurance of the King, the wardene, or them the power hes, he fall be lauchfull prisoner to quhat person, that likes to take him.

Item, Gif onie Scottisman bring in onie Englishman, or meities them at onie tryftis, not havand power, they fall be taken & put in firmance,

ance, their gudes taken & arriested, to the time that they be punished, at the Kinges will, & the warandes.

Item, That na Scottisman sit upon na speciall assurance of onie Englishman, but leave of the King or the wardane, under the paine of treason.

Cap. 52. *That na Scottisman supply Berwike or Roxburgh. Of parting of Gudes taken fra the Enemies.*

Item, That na Scottis-man supplie Berwike nor Roxburgh with na victual, fewal, nor nane uther supportation, under the paine of treason. And quhen the wardane rydis, or ony uther cheftaine, & with him great fellowship or small, that nane gang awaie with na manner of gudes, quhill it be thridded and parted before the chieftane, as use & custome is of the Marches, under the paine of treason, & to be hanged & drawen, & his gudes escheit.

King JAMES II, 13th Parliament, Oct. 19th 1456.

Cap. 56. *That all Men be reddie for defence of the Realm, and in quhat Maner.*

Item, It is ordained, that all maner of men, that hes landes or gudes, bee reddie horsed & geared, and after the facultie of his lands & gudes, for the defence of the realme, at the commandement of the Kingis letters, bee baillis or outhornes; and quha sa beis not, he will be punished in his person & gudes. And that all maner of men betuixt sextie & sextene be reddie, on their best advice, to come to the bordoures, and defend the land,

land, quhen onie wittering cummis of the incumming of a greate English hoast. And that na puir man, nor unbodin, be charged to come to anie raides in England. And that ilk man, that his gudes extendis to twentie markes, be bodin at least with a jack, with sleeves to the hand, or splents, and ane pricked hat, a sword & a buckler, a bow & a schaiFFE, gif he can get it; and gif he cannot, to have an axe, and ane targe, outhir of ledder or of firne buird, with twa bandes upon the back. And throughout all the schires they be warned to provide for sik things, & to make their weapon-schawinges, before the schireffes, baillies, or stewarts of the regalitie, on the morning after the law-daies after zule. And quha that cummis nor bodin, as effeiris after his facultie, to be punished in his gudes. And swa foorth their weapon-schawinges to be maid & continued fra threttie daies to threttie daies.

King JAMES III, 1st Parliament, Oct. 9th, 1466.

Cap. 7. *That na Englishman have Benefice within Scotland.*

Item. That na Englishman have benefice, secular or religious, within the realme of Scotland, after the forme of the act maid thereupon be King Robert the Bruyse.

King JAMES III, 4th Parliament, January 12th.
1467.

Cap. 24. *Nolt Scheepe and Catell suld not be sauld furth of the Realme.*

b

Item,

Item, It is statute and ordained, that na kye, nor oxen, scheepe, or uther cattel, be fauld out of the realme, be nane of the Kyngis leiges, under the paine of escheit: And the wardaine sall have na power to licence in the contrarie hereof.

King JAMES III, 11th Parliament, April 2d, 1481.

Cap. 82. *Furnishing of Castelles.*

Item, Our Soveraine Lord hes ordained, to gar purway and stufte his castelles of Dumber and Loch-maban with victualles and artailzerie; and quhair they are failzed in ony part, to gar them to be hastelie reparrelled and fortified. And als his Hienesse commandis and chargis all the Lordis of his realme, baith spiritual & temporal, that hes castelles neire the bordoures, & on the sea coast, sik as Saint Andrewes, Aberdene, Temptallon, Hume, Dowglas, Halis, Adring-towne, and specially the Hermitage, that is in maist danger, & sik uther castelles and strengthes that may be keiped & defended fra our enemies of England. That ilk lord stufte his awin howse, and strength them with victualles, men, & artailzerie, and to amend & reparrel them quhair it misters, sa that they be keiped and defended, as said is.

Queene MARIE, 5th Parliament, February 1st.

1551.

Cap. 13. *Scottis-men being charged to leave assurance with Englishmen, and disobeyand, sall have na Action against trew Scottis-men for ony wrong done to them.*

Item,

Item, It is desired to bee concluded in this present parliament, quhair Scottismen unassured with England, raid upon Scottis-men assured with England, the time they were assured, & tooke their gudes & geare, quhidder gif thay assured person spuilzied have just action & place to aske restitution of their gudes, and amendis for the damages done to them or not; It is concluded, decerned, & declared, be the Queenis Grace, the Lord Governor, with advise of the three estaites of Parliament, that quhair our Soveraine Ladies charges & proclamations, or the Lord Governours private letters or command was direct, charging all & findrie assured persones of this realme with England, and that sat under their assurance, to discharge them of the said assurance, and leave the opinion of England, & to cum to the obedience of our Soveraine Ladie, the Lord Governoure, and the authoritie, within ane certaine terme prefixed thereto, contained in the said letters, and wald not leave the opinion foresaid, bot assisted to England, Englishmen, & their companie, that thay Scottismen, assured in maner foresaid, fall have na place nor actione to persew the persones Scottismen unassured, for the spoliation of their gudes, or satisfaction of any uther damages done to hem thereafter. And quhair na letters, charges, proclamations, or uthers private writings, nor commande of the Lord Governours Grace were direct, chargeing sik assured persons to leave the opinion of England, and to cum to the obeysance of our Soveraine Ladye, the Lorde Governoure, & the authorite, nor na sik charges come to their eares, that thay Scottismen assured,

as said is, fall have place & action to persew the persones unassured, that spuilzied, for restitution of their gudes, and amendis for the damage & skaith susteined be them, gif the spuilziers had na special commande, nouthar in write nor word of the Lord Governoure, to ride upon sik assured persones.

Cap. 14. *Ane Scottish man being spuilzied be Scottismen & Englishmen, hes gud action against the Scottismen, albeith the English men were fewar in number.*

Item, To the resolution maid upon the second artickle, makand mention quhair men assured or unassured, raid in particular pinzeiones and small companies of Englishmen, the Scottismen being the greatest number, & invaded the Scottismen unassured, burnt their howses, spuilzied their gudes, and herried them therethrow, quhidder gif the person spuilzed & herried hes just action to persew sik Scottis men, spuilziers, for restorance of their gudes again, & satisfaction for the damages done to them or not; It is decerned & declared bee the Queenis Grace, the Lord Governour, with advise of the three estaites of Parliament forsaide, that all sik persones spuilzied, hurt, or damaged, in maner foresaid hes just action and place to persew the spuilziers, & to desire restorance of their gudes, and satisfaction of their damages, as accordis of the law,

Cap. 15. *Ane assured Scottisman, assistand the English Armie, may be persewed for all the Skaith done to Scottismen unassured.*

Item, As to the resolution to be tane upon the thrid artickle, beirand in effect, quhair ony Scottisman, assured be England, and raid with the armie thereof, upon any Scottishmen unassured, for burning their places, slauchter of themselves, their wives, & bairnes, and spuilzied them of their gudes, or burning of their cornes, downe-casting of their houses, and uthers destructiones, quhidder gif it bee lauchfull to onie Scottisman, spuilzied in that sorte with the armie of England, to persew onie Scottisman, being in companie with the armie of England, the time of the spoliation and destruction foresaid, for spoliation of their gudes, & satisfaction for the damages susteined be them, or hes just cause and action to sure therefore; It is concluded and declared be the Queenes Grace, the Lord Governour, and the three estaites aforesaidis, that sik persones unassured, burnt, herried, and destroyed be Scottishmen assured, & being in companie with the armie of England, and came with them, and were with them the time of the spoliation, burning, & destruction foresaid, hes just action & cause to persew all assured persones, Scottismen, that raid in maner foresaid, for restitution and deliverance of their gudes spuilzied fra them, and satisfaction & amendis for the damages and hurtes, as accordis.

King

King JAMES VI, 11th Parliament, July 29th,
1587.

Cap. 105. *It is not lesum to ane Scottes Bordourer
to marrie with ane other in England.*

Item, Sen experience declaris, that the marriage of the Kingis Majesties subjects upon the daughters of the broken men & thieves of England, is not only an hinderance to his Majesty's service and obedience, bot alsua to the common peace and quietnes betwixt baith the realmes, It is therefore statute and ordained be our Sovereine Lord, & the three estaites of this Parliament, that nane of his subjects presume to take upon hand to marrie with ony English woman, dwelling in the opposite Marches, without his Hienes exprefs licence had and obtained to that effect, under the great seale, under the paine of death, and confiscation of all his guddes moveable: And that this be a speciall point of dittay in time cumming.

Cap. 106. *The Wardane suld put in Bill, the Names
of all Englishmen, quha occupies Possessiones in Scotland.*

Item, It is statute & ordained, that the wardanes of the Marches fore-anent England, take diligent inquisition quhat Englishman occupies ony Scottis ground, in pastourage or tillage, and they bill the persons offenders in that behalf, against the treaties, and seeke redresse according thereto, as they will answer upon their allegiance, at their hieghest charge and perrell, and under the paine of incurring of his Hieneffe indignation & displefour.

A P P E N D I X, No. II.

The severall Conferences wth the LORDS,
and Debates in the LOWER HOUSE, touch-
ing the UNION.

The first proposition or ouverture that was made of this matter was by my Ld Chancellor, assisted with 40 of the Lords of the Upper House, to a Committee of 100 of the Lower House. The effect of his speech was,

That this matter did not touch theyr House in particular, nor theyr particular persons, but both the Houses, and by consequent, the whole realm.

That the substance of this matter was already acknowledged in the Act of Recognition.

That there is already
a union in 4 respects, { in sovereignty;
 { in bond of allegiance;
 { in nature, both the
 { realmes being one
 { continent;
 { in religion.

That his Ma^y had made a proposition, how this union might be perfected.

That it was no new thing, but once before intended (by marriage of Edward the 6th, and the vertuous lady, this Ks mother.

That

That the Ks purpose was, the name should suffer present alterations, fro the dictinct names of England and Scotland to Great Britanny.

That the union of policy, priviledges, rights, lawes, and customes, should be done by comiſſion.

That the comiſſioners for this purpose should have power only to conferr, and not to conclude, and after the report to y^e Parliament, there to be debated and determined.

That all other causes should be sett a part, that this might have despatch.

The report being made the next day to the Lower House, it was severally debated.

Sr. Edw. Hobby spake to this purpose;

That there were two considerations, { present,
future.

That wch was presently to be done, was to change the ancient name of our mother, England.

That the banes were now asked, and therefore ther should be a time of consultation.

Sr. Fr. Bacon;	Some things owt of question, as y ^e 4 unions named by my L. Chancelor;
That there were 3 consider- ations,	Some thing not properly in ques- tion, as the particulr. confi- dera ⁿ cons of the union in sub- stance;
	Some thing now onely in question { the name; the appointing of comiſſioners, to treat of y ^e matter.

That

That the name was Great Bri- { the Ks. Justice,
tany, wherein he considered { his honor,
and policy.

His justice, in regard of forren princes, vpon whom he would not usurp by any vnproper stile of greatnes, as that of Emperor, or Great King; though the like was assumed by others, as by the Emperor of Germany, and the Great K. of Persia and Affiria.

His honor, because honor contracted was better then honor divided; and compared it to one faire stone in a jewell, wch^r was more pretious than a jewell composed of many. That the name was honorable for the antiquity, and none knowne of old, but Albion and Britany; but one of these was onely poetically, th'other true and historical.

His policy, because the Vnion in name would drawe on a vnity in affection betwixt the two kingdomes; by example of the Cantons, who vnder the generall name of Helvetia were better united, y^e like of y^e severall kingdomes under the name of Spayne, and divers seignories vnder the title of Toscana.

Two objections made { That we should change
our ancient name of
England;
{ That we should prejudge
the matter, and en-
wrap that wch^r should
be left free to the
Com^{it}ti.

Two answeares - - { Ever a good change for
the better;
No danger to give by
way of advance, that
wch^r may be a step
forwarde to any goode
action.

This day concluded nothing; the next the matter came into debate againe.

Mr. Fuller began with this opinion;

That unlesse we have the thing all one, it is vnproper to have the name all one.—

Thereupon inferred two similitudes against the Vnion in substance: the one of two flocks of sheepe fed in several pastures; if the bound or partition be taken away that keepes them asunder, the flock in the worst ground will come into the better, and eat that as bare as theyr owne, and so starve both: the other of trees transplanted; wch^r cuming owt of a bad grownde into a goode, will owtgrow all the rest.

Sr. Fr. Bacon;

Directing his speach how to order a conference that was expected by the Lords, touching this matter, devided his speech into 3 parts.

1. Matter of the conference;
2. Limitation of the commission;
3. Disposing and ordering the conference.

He began with the last; and wished that the Lower House should not be the objectors only,
but

but to make the case indifferent betwixt the two Houses.

Touching the second point, he advised, that the Commissioners might treat generally wth^r the Lords, wth^rowt limita^on, but conclude nothing.

For the matter wch^r was now seasonably to be prepared, he made collection of 8 objections, whereof some were made by Sr. Maurice Bartby, who first turned the streame backward; and other by perticular members of the House, the day before, and that morning. The objections are conteyned in a particul^r collection, wch was made for another conference, wth addition of others.

He would seeme to make answeare to y^e objections, and did only shewe his good will in it; but no matter came from him worthe the noting.

Sr. Edwin Sands;

Divided his speach into
three considerations.

{ Whether the altera^on
was necessary :
What altera^on, at
what time.

The particularities of his speach shall be more at large sett downe in the next conference was had with the Lords, for there he used the same arguments, onely omitting these points:

That the House of Parliament, wch^r was sent up according to old custome, and bownded in theyr com^oission wthin the lymitts of former praefidents, was not capable to dispose of this matter, or impose a new name, wth^rout especiall com^oission from the cuntry.

That because *nomen* was *signum rei*, and that we yet knew not what this thing should be, or of

what nature, because vnions were diuers, that therefore the matter should be first dispatched, and then the name imposed, according to the matter.

The Speaker ;

Seeking to drawe the matter to some end, and to hasten the conference wch^r was much prest by the Lds, made a collection of what had passed ; and first spake of the maner, wch^r he devided into three parts :

1. A repetition of the motion made by the Ld Chancelor ;
2. A reason of y^e motion ;
3. The particularities of opinion, touching the motions.

Then of the matter, wch^r he brought into three questions :

1. Whether there should be a com^{it}ti nominated, which was assented to by the House ;
2. Whether it were fitt to conferr of the name, before the vnion were effected in substance, wch^r was denied ;
3. Whether the com^{it}ti should have authority to treat and debate, but not conclude, wch^r was granted.

The Lower House being thus prepared for conferring wth^r the Lds, before the time or place was appointed, or theyr message sent, the K. sent to the House, that as many as could, should come before him that afternoone. They came accordingly, and were placed in the gallery next St. James Parke, whether the K. came about 3 of the clocke,

clocke, accompanied wth^r most of the Lords of y^e Parlement.

His Mats^r. speech was directed to the com^{ities} of both the Houses, and was to this effect :

That he desired to be heard before they did consult.

That the long debating in the Lower House was against his expecta^{on}; that the doubts wch^r were cast were but curiosities of ignorant persons, such as sought to finde knots in bulrushes.

He desired his breast were made of crystal; and though he was vn^{happely} imbarcked in former matters, in this he liked not to have his delibera^{ons} questioned.

That it was the greatest, and the lest question, that ever came into Parliament.

He then made a proposition of three parts.

{ That the Vnion, wch^r is allready in substance; should be acknowledged by an act;

That a name should presently be given, according to this Vnion:

{ That a Com^{ission} should be appointed, to treat of such things as doe further concerne the Vnion.

1st. Objection.

He then repeated certain objections; as one, that the change was dishonorable, wherein he held himself wronged and dishonored, because as the honor of the K^s of England, his predecessors, doth descend upon him, so should he beare the burden of the dishonor, if there were any in the change.

The question of names so foolish, that it should not trouble wise men.

The comparison;—is this to bee like titles and honors given to great men, as the Erls of Dorcet and Northampton had lost nothing by accession of theyr new stiles.

2. Object :

That a new creating of titles in a prince were more honorable than one single name.

Answered.

If so, then might he as well call himself Ld. of Cornwall, Devon, Cumber', Northumberland, &c.

A bunch of arrowes allwayes better than one; and one barony, wch^r is of great valew, more to be esteemed than many petty Lordships.

3. Object :

Why should the matter be first propounded and what of Scotland should not ascent.

Answered.

He would have this realme, have the honor of the first propoſic^on, as being next to him in honor; and if Scotland should refuse, he would compell theyr assents, having a stronger party there than the opposite party of the mutiners.

That he would so unite it, that the crown of Scotland should be ever adherent, and follow the succession of the blood of England.

That the island was Britany, and therefore being K. of the whole island he would be King of Britany; as Brutus and Arthur were, who had the stile, and were kings of the whole island.

That this was the reason of his haste, being interested in honor to be called that wch^r he was.

That we were all likewise interested, because shadows beget substance, and unity in name an unity in affection.

That to suspect him to bring in innovation were to slander him, and were no less offence than *scandalum Regis* is in comparison of *scandalum magnatum*.

That he cannot alter lawes of himselfe, nor will not; but that the commissioners should treat of a participation of such lawes as were good in each, and defective in the other, without prejudice of the fundamentall lawes of both realmes.

For conclusion, he proposed the project of an act, touching the present change of the name, and appointing of a commission; and advised, that in our consultations, we should not looke for sophistry but substance.

Jan. 10th. 1799.

Ex^d J. Bruce.

APPENDIX, No. III.

MINUTES of Preface to the ACT of UNION.

Whereas your Ma^{ty} hath been pleased, out of your greatest wisdome and judgment, not only to represent unto us, by your own prudent and princely speach, on the first day of the parliament, howmuch you desyred, in regard of your inward and gracious affec^{on} to both the ancyent and honorable nacions of England and Scotland, now united in allegiance and loyall subjection (in you and your person), to you and your posteritye for ever, that by a speedy, mature, and sounde deliberation, such a further union might follow, as should make perfect that mutuall love, and vniformitye of manners and customes, wch^r Almighty God, in his providence, (for the strength and safetye of booth realmes), hath already so sure begonn, in apparent sight of all the world, but alsoe hath vouchsafed to expresse unto us many wayes, how farr it is and ever shalbe, from your royall and sincere care and affection to the subjects of England, to alter or innovate the fundamentall and ancyent lawes, priviledges, and good customes of this Kingdome, and whereas not only your regall authoritye, but the people's securitye, of laws, livings, and privileges, (both in generall and particular) are preserved and mayntayned, and by y^e abolish-

abolishinge or alteration of the which, it is impossible but y^e present confusion will fall upon the whole state and frame of this kingdome. Forasmuch as we, your Matys^e humble, faythfull, and lovinge subjects, have not only conceived y^e weight of your reasons, but apprehend (to our unspeakeable joye and comfort) your playne, cleare, and gracious intention, to seeke noe other changes or alteration, but of such perticuler, temporary, or indifferent manner of statutes and customes, as may both prevent and extinguishe all and every future questions, or unhappie accidents, by wch the perfect and constant love and friendshipp, and quiettnes (between the subjects of booth realmes aforesayd), whereof your Maty is, by the lawes of God and man, the only lineall, lawfull and gracious Souveraine, may be compleated and confirmed, and also performe and accomplish y^e reall and effectual vnion, alredy inhærent in your Matys^e blood and person, and now desired to be performed and brought to an end, for the weale of both kingdomes, by this course here sett down as followeth.

Be it therfore Enacted, &c.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. IV.

THE ACT, authorising Commissioners for
ENGLAND to treat, &c.

An Act, authorising certaine commissioners of the realme of England, to treat with commissioners of Scotland, for the weale of both kingdoms. Anno Regni Jacobi Regis, Angliæ, Scōæ, Franciæ, et Hiberniæ; vide It, Angliæ, Franciæ, et Hiberniæ, primo; Scotiæ, tricesimo-septimo.

Whereas his most excellent Majestye hath beene pleased, out of his greate wisdome and judgement, not onely to represent unto us, by his owne prudent and princely speech, on the first day of this parlyament, how much he desired (in regard of his inward and gracious affection to both the famous and auntient realmes of England and Scotland, now united in allegiance and loyall subjection in his royall person, to his Majestye and his posterity for ever) that by a speedy, mature, and sound deliberation, such further union might follow, as should make perfect that mutuall love, and uniformity of manners and customes, which Almighty God, in his providence, for the strength and safety of both the realmes, hath already soe
farr

farr begunn, in apparent sight of all the world, but also hath vouchsafed to expresse many wayes, how farr it is, and ever shall be, from his royall and sinceere care and affection to the subjects of England, to alter or innovate the fundamentall and auntient lawes, priviledges, and good customes of this kingdome, whereby not onely his royall authority, but the people's security of lands, liveings, and priviledges (both in generall and particular) are preserved and maintained, and by the abolishing or alteration of the which, it is impossible but that present confusion will fall upon the whole state and frame of this kingdome. For as much as his Majestye's humble, faithfull, and loving subjects, have not onely conseived the weight of his Majestye's reasons, but apprehend, to their unspeakable joy and comfort, his plaine, cleare, and gracious intention, to seeke noe other changes and alteration, but of such perticular temporary or indifferent manner of statutes and customes, as may both prevent and extinguish all and every future questions, or unhappy accidents, by which the perfect and constant love and friendship, and quietnes, betweene the subjects of both the realmes, aforesaid, may be compleated and confirmed, and alsoe performe and accomplish that reall and effectuall union, already inherent in his Majestye's royall blood and person, and now desired by his Majestye to bee performed and brought to an end, for the weale of both kingdomes, by this ccourse following; Bee it therefore enacted, by the King's most excellent Majestie, by and with the assent and consent of the Lords spirituall and temporall, and the Commons, in

The names of
the commis-
sioners for
England.

this present parliament assembled, and by the authority of the same, that Thomas, Lord Ellesmere, Lord Chancellour of England, Thomas, Earle of Dorset, Lord Treasurer of England, Charles, Earle of Nottingham, Lord High Admirall of England, Henry, Earle of Southton, William, Earle of Pembroke, Henry, Earle of Northampton, Richard, Bishop of London, Toby, Bishop of Duresme, Anthony, Bishop of Saint Davids, Robert, Lord Cecill, Principall Secretary to his Majestye, Edward, Lord Zouch, Lord President of Wales, William, Lord Mouteagle, Ralph, Lord Eure, Edmond, Lord Sheffield, Lord President of the Counsell in the North, Lords of the Higher House of this present Parlyament; and Thomas, Lord Clinton, Robert, Lord Buckhurst, Sir Francis Hastings, knight, Sir John Stanhop, knight, Vice Chamberlaine to the King's Majestie, Sir John Harbert, knight, Second Secretary to his Majesty, Sir George Carew, knight, Vice Chamberlaine to the Queene's Majestye, Sir Thomas Strickland, knight, Sir Edward Stafford, knight, Sir Henry Nevill, of Berkeshire, knight, Sir Richard Bulkley, knight, Sir Henry Billingsley, knight, Sir Daniell Dunn, knight, Deane of the Arches, Sir Edward Hobby, knight, Sir John Saville, knight, Sir Robert Wroth, knight, Sir Thomas Challoner, knight, Sir Robert Mansell, knight, Sir Thomas Ridgway, knight, Sir Thomas Holcroft, knight, Sir Thomas Hesketh, knight, his Majestye's Attorney of the Court of Wards and Liveries, Sir Lawrence Tanfield, knight, Sir Francis Bacon, knight, Serjeant at Law, Sir Henry Hubbert, knight, Serjeant at Law,

Law, Sir John Bennet, knight, Doctor of the Lawes, Sir Henry Withrington, Sir Ralph Gray, and Sir Thomas Lake, knights, Robert Aske-with, Thomas James and Henry Chapman, marchants, knights, citizens, and burgesſes of the Houſe of Commons of this parlyament, (com-miſſioners ſelected and nominated by authority of this preſent parlyament) or any eight or more of the ſaid Lords of the ſaid Higher Houſe, and any twenty or more of the ſaid knights, citizens and burgesſes of the ſaid Houſe of the Commons, ſhall, by force of this act, from and after the end of this preſent ſeſſion of parliament, have full power, liberty, commiſſion, and authority, at any time or times, before the next ſeſſion of this parliament, to aſſemble and meete, and thereupon to treat and conſult, with certaine ſetled commiſſioners, to be nominated and authorized by authority of parliament of the realme of Scotland, according to the tenure and purport of their authority or commiſſion in that behalfe of and concerning ſuch an Union of the ſaid realmes of England and Scotland, and of and concerning ſuch other matters, cauſes, and things, whatſoever, as upon mature conſideration and deliberations, the greateſt part of the ſaid Lords of the ſaid Higher Houſe, which ſo ſhall be aſſembled, as is aforeſaid, and the greateſt part of the ſaid knights, citizens, and burgesſes of the ſaid Houſe of the Commons, which alſoe ſhall be ſoe aſſembled, as is aforeſaid, and the commiſſioners to be nominated and authorized, as is aforeſaid, by the parlyament of the realme of Scotland, according to the tenoure or purporte of their authority, or commiſſion,

The quorum
of Lords 8, of
Commoners 20.

The commrs'
power.

The commrs'
to reduce their
doings into in-
struments tri-
partite.

in that behalfe, shall, in their wifdomes thinke and deeme, convenient and necessary for the honour of his Majestie, and the weale and common good of both the said realmes, dureing his Majesties life, (which Almighty God long preserve) and under all his royall progeny and posterity, for ever, which commissioners of both the said realmes shall, according to the tenour and purport of their said authorities or commissions, in that behalf, reduce their doeings and proceedings therein, into writeings or instruments tripartite, every part to be subscribed and sealed by them, to the end, that one part thereof may, in all humblenes, be presented to his most excellent Majestye, the second part thereof to be offered to the consideration of the next session of this parlyament, for the realme of England, and the third to be offered for the consideration of the next parlyament for the realme of Scotland, that thereupon such further proceedings may be had, as by both the said parlyaments shall be thought fitt and necessary, for the weale and common good of both the said realmes.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. V.

The SPEAKERS SPEECH to the King, declaring Consent of the Commissioners concerning the UNION.

Most gracious Sovereigne, Wee your Lords spiritual and temporall, and commons, in the p̄nte parliament assembled, doe most thankfully acknowledge, that it is the greate and blessed worke of Almighty God, that thes two ancient, famous, and mighty kingdomes of England and Scotland, which have bine so many ages united in continent and in language, but seperated in soveraignty and allegiance, are now growne to an vnion in your Ma^y royall person, most lawfully and most happely holding and enjoyinge both the same kingdomes, by undoubted title, in most quiet and peaceable possession, and in a most flourishing estate; and it seemeth unto us most manifest now, after the event is come to passe, that God, unto whom all his workes are from the beginninge knowne, did, by his divine providence, long agoe, and from time to time, prepare a way unto this excellent worke,—first by the long continued peace and amity, now for many yeares laste paste betweene both the nãcons,—secondly, by knitting them both in God's true religion, wch is the perfectest bond

bond of all vnitye and union,—thirdly, by a com̃ixture of the most noble bloudes of the lynes royall of both the kingdomes, so often redoubled and renewed in yor Ma: excellent person,—and fourthly, by the equall and indifferent tearmes and motives of affec̃on, which the same evidence of God dothe necessarily drawe yo^r Ma: to hold betwene both the nãcons, havinge ordayned, that your Ma: birth, and the passinge of the firste parte of your age, should be in the one Kingdome, and your Ma: principall state and mansion, and the passinge of the latter parte of your age, sould be in the other. Wee do acknowledge, likewise, in most humble manner, that it is in your Mā a most royall and vertuous desire, and full of magnanimity, wisdome, and goodnes, that as your Mā is now become *lapis angularis* of both the kingdomes, and that the partĩcon wall is now taken away, and the vaile rent, so your princely desire is to second this blessed worke of God, and to build upon the foundãcon wch^r he hath layed, and to enioyne and consolidate thes two kingdomes, more and more, as far as may stand with the weale and good estate of them both. Wherefore your Mā haveing now, in your singuler wisdome, moderation, and loving course held towards us, clearly delivered us from all shadows and feares, by your most gracious declarācon, oft published, iterated, and explained unto us, that your Mā hath noe inteñcon to alter, change, or diminishe our fundamental lawes, liberties, and groundes of government, but that your princely purpose is to remove and extirpate all feedes of discorde betweene both the nãcons, and to remedy and accommodate
such

points of incongruity or disconvenience, as the severall lawes and customes of both kingdomes, wch^r were fitte and reasonable in the pollicy of the kingdomes, when they stode devided, but are now become utterly unproper, impossible, and absurd, and may bring foorth generally to reduce your subjects, in both realmes, to a perpetuall conformity and agreement, to the furtherance of your Ma^y obedience, and their owne weale and good estate. And your Ma^y having also geven unto us a pledge of this your moste gracious inten^{con}, by your princely suspension and forbearance, to require of us anie p^{nte} acte for altera^{con} of your Ma^y royall stile and name, upon the discovery of the perills that mighte ensue thereupon unto the state of this kingdome, for the which your Ma^y most gracious benignity wee do yeeld unto you our most humble and affectionate thanks,—It is therfore, most gracious Sovereigne, all our heartes desire, not only for the gevinge satisfac^{con} to your Ma^y, wch^r we esteeme more than oure owne lives, but also in discharge of our duties unto the state of this kingdome, wch^r we represent, and accordingly it is our most humble peti^{con} unto your Ma^y, that it may be enacted by the authority of this p^{nte} parliamente, and be it enacted by the same authority, that there be chosen and nominated in this p^{nte} parliament, by both the Houses of Parliament respectively, a nombre of selected comissioners, whoe may conveyne and joyne with select comissioners to be chosen and appointed for the realme of Scotland, and thereupon consulte and treat of all the questions propositions and considera^{cons} whatsoever, wch^r may

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tend

tend or pertyne to the most indissoluble and perfect union, conjunction, agreement, and mutuall comfort and good of both kingdomes, without anie authoritie, nevertheless, to conclude otherwise, then as amongst themselves, upon anie pointe, but that the reporte and returne of the proposi^{ti}ons, articles, treaties, and other the labors of the said comissioners, be made and exhibited to this p^{re}sente parliament, for that purpose to be proroged and not dissolved, that thereupon such further resolu^{ti}ons and ordinances may be taken and enacted, as may stand with the joynte and severall good of both kingdomes, and that to the purpose aforesaid, comission be awarded, under the greate seale of England, vnto the persons hereafter specefied, authorizinge them to proceede accordinge unto the tenor and true meaninge of this acte.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX No. VI.

OBJECTIONS against the Change of the Name or Style of ENGLAND and SCOTLAND into the Name or Style of GREATER BRITANNY, to be moved and debated in the Conference betweene the LORDS and the COMMONS, and to that End, by the COMMITTEES of the HOWSE of COMMONS collected, reviewed, and reduced into Order, for there better Instruction.

The objections are of fower severall natures or kynds.	{	Of generalitie or com'on rea- son ; Of estate inward, or matter of law ; Of estate foreigne, or matter of entercourse ; Of honor and reputation.
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OBJECT: I.

The matter of generalitie or com'on reason hath 2 parts:

That there is no cause of the change.

That there is no president of the like change.

The first objection, therefore, is;

That in constituting or ordeyninge of any innovation or change, there ought to be other urgent necessitie, or evident abilitie. But that we find no grieffe of our present estate, and foresee noe advancement to a better condition, by this chaunge, we therefore desire it may be shewed unto us.

The second objection is;

That we fynde no president at home or abroad, of unitinge or contractinge of the names of two severall kingdomes or states into one name, where the union hath growen by maryage or blood; and that those examples which may be alledged, as farr as we can fynde, are but in the case of conquest.

OBJECT: 2.

Matter of estate inward, or matter of law, hath three mayne heades;

The first is, that the altera^{con} of the name of the kingdome doth inevitable and infallibly draw on an erection of a newe kingdome or state, and a dissolution or extinguishment of the old, and that no explana^{con}, limita^{con}, or reserva^{con}, can cleare or avoyde that inconvenience; but it will be full of repugnancie and ambiguitie, and subject to much varietie and daunger of construction.

The second is an enumera^{con} or recytall of the speciall and severall confusions, incongruities,
and

and mischeifes, which will necessarilie and incidently followe in the tyme present; as,

In the sum^moninge of parliament, and the recytall of acts of parliament.

In the seales of the kingdome.

In the greate officers of the kingdome.

In the lawes, customes, liberties, and privileges of the kingdome.

In the residence and houldinge of such courtes as follow the Kinges person, which by this generalitie of name, may be held in Scotland.

In the severall and reciproque oathes, the one of his Majestie at his coronation, which is never iterated, the other of allegiance, homage, and obedience, made and renewed from tyme to tyme by the subjects.

All which actes, instruments, and formes of pollecie and government, with a multitude of other formes of records, writts, pleadings, and instruments, of a meanor nature, remayneinge now in the name of England uppon the change, would be drawen into uncertaintie and question.

The third is a possibilitie of aliena^con of the crowne of England to the lyne of Scotland, in case his Majestie's line should determine, which God of his goodnes defend; for if it be a newe erected kingdome, it must goe, in the nature of a purchase, to the next heire of his Majestie's father's side.

OBJECT:

OBJECT: 3.

The matter of state forraine, or matter of entercourse, consisteth of three partes.

The first is, that leagues, treaties, forreyne freedoms of trade and trafficke, forreyne contracts, may be drawn in question, and made subject to quarrell and cavillation.

The second is, that the Kinges presidency before other Christian Kinges, which is guyded by antiquitie of kingdomes, and not by greatnes, may be endaungered, and his place turned last, because it is the newest.

The third is, that the glory and good acceptation of the English name and nation, wil be in forreigne partes obscured.

OBJECT: 4.

The matter of honor and reputation standeth uppon fower poynts.

The first is, that no worldly thinge is more deare to men, then the name; as we see in private families, that men disinherit there daughters, to continue there names, much more in states, and where the name hath bene famousse and honorable.

The second is, that the contracted name of Britanny will bringe in oblivion the names of England and Scotland.

The

The third is, that whereas England, in the style, is now placed before Scotland, in the name of Brittanie, that degree of prioritie or precedencie wil be lost.

The fowerth is, that the chaunge of the name wilbe harsh in the popular opinion, and unpleasinge to the countrie.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX No. VII.

NOTES of DEBATES in the First Session,
touching the UNION.

Sir Francis Drake made the report of his Majesty's speech the day following, and observed three things to be demanded by the King.

1. The Union in substance to be acknowledged;
2. The name to be presentlie allowed;
3. The com^{mission} to be appointed.

Three things disclaymed.

1. That the King meant not to extinguish the name of England, but to superinduce anew to the whole island;
2. That he would not alter the fundamental lawes of the realme;
3. That the Scots should not incroch upon us.

He brought the King's project in writing, which was read to the House, and for that time not debated in; but the next day, and four days after, both in the House and at the Com^{mitti} for this purpose, it was throughly sifted, and both the particularities of the King's speech, and the project for the act, directly oppugned.

The

The objections are sett downe in a particular collection, which was framed for the Com^ritti against the conference, wherein severall men had theyr parts assigned; and now all mens opinions went this way, and nothing sayde by any, which was not against the Union, either in the name or substance: onely Sir Fran. Bacon would seeme to give a stop to this current of objections, by a speech he made of 3 sorts of object, to be avoyded. Sr. F. Bacon.

1. Light objections, lest it should be sayde, *rebus arduis levia immiscet.*

2. Subtile and curious, lest in like manner it might be sayde, *rerum pondera verborum frangit argutijs.*

3. High, and that we must not *scrutari arcana imperis.*

There was, in this mean time, a Com^ritti of the Llds. abowt this matter, of which the judges delivered opinions, agreeing to the Lower House, which was reported to the King, notwithstanding the conference went forward, and the former Com^ritties of both the Houses mett in the accustomed place, with some addition to theyr numbers.

The Lord Chancellor beginning the conference sayde,

That his Majesties meaning was made knowne by himselfe.

That wee must joyne in one to that purpose.

That wee were already united in soveranity, in obedience, in religion, and language.

f

That

That the King's desire was to have the continuance and encrease of Union.

That the walle of division being taken away, wee should not againe sett it up.

That the vayle of the temple being rent asunder, we should not coble and peece it.

That the King's desire likewise was, to give or receave satisfaction; and that he was not so resolved in the name of Britany, as if it be found any prejudice to the lawes of the realme, by any tacit significac̃on, not to depart from his purpose.

My Lord Cecyll brought owt, in writing, an explanac̃on of the King's former project, which was read by himself, and thereuppon a question grew betwixt the Lower House and the Lords, whether the conference should proceede, the case being thus altered and overruled that they should proceede; because the King's wordes were but conditional, in case better reason could be shewde him then to alter the course of his proceedings.

Sir Francis Bacon entered first into the matter with this protestãon, that they spake but by way of argument, and not of conclusion.

That they tooke the opposit part because the Lords were for the Union; and if they were against it, he, for arguments sake, would have been for it.

This theme was, that there was now nether necessity of change nor evident utility.

That

That we are now in a good haven, and loth to putt to sea. That wee would not adventure upon a new condition, unless there might appeare some matter of improvement.

Multa utilitate juvant quæ novitate perturbant.

Sir Edw^d. Sands, who had the second part in order of the distribution of the objections for matter of president, travayled over the world in his speech; as first, into the *Low Countreys*, from thence into *Norway*, *Denmarke*, and *Swede*, so forward into *Poland* and *Lituania*, to *Mantua* and *Montferrata*, to *Florence*, *Pisa*, and *Syenna*, now called *Hetruria*, to the *several kingdomes* in *Spaine*, to *several estates* in *France*.

The first of these (he sayde), in theyr general union, being comprised under the name of *Belgia*, would not, notwithstanding, submitt themselves to any governor or lord, but by the distinct titles of theyr severall provinces, and with reservation of their severall privileges.

The second, under the same king, have ever observed severall laws and customes, and retayned severall names: and the prince being in any of these kingdomes was served by no other, then officers of the same place where he was resident.

The third and fourth, much after this manner, as likewise *Parma* and *Placensa*.

The fifth, in superinducing a new name bringeth in a new forme of government.

The two last, in the more contracted names, drowne the particular names which are comprised. And all these consideraçons, repugnant to the promises made, to have our name still preserved, and our privileges not infringed.

The Lord of Northampton posted after Sir E^d. Sands from place to place, but onely repeating what he had sayde, and for a conclusion brought out a president of Alexander the III. king of Scotland, and Edw^d. ~~VI.~~ I. of England, by whom there was an overture of uniting the two realmes, by marriage and imposing this new name.

Sir Edw^d. Sands replied, that this was not properly moved, because it was never a matter treated in parliament; there could be no president for these proceedings, and for his other examples, since they were only repeated, and not answered, he would hold them as assented unto.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. VIII.

REASONS conceived about the UNION, both for the Commodities and Discommodities that may ensue thereof unto this Realm, by that of the Union that doth concern Commerce.

By the commerce and traffique which would mutually follow the union between these 2 nations and kingdoms, as some profit and commodity will come unto us thereby, so very many and great discommodities will ensue unto the common wealth, except, by the grave wisdom of this most honourable assembly, they be foreseen, and prevented by good and politique laws.

I doe understand commerce and traffique to be of two kindes.

1. The commodities which are bought and sold within the land, between chapman and chapman, wee doe call chapmen's ware.

2. The commodities bought to be exported by merchants, we doe call merchandizes.

By the first of these, which consisteth between chapman and chapman, either in bartering commodity

modity for commodity, or selling for monye, will proceed great profitt and gain to the subjects of both the realmes, for so much as may extend to the use and spending of both the nations within the landes.

By the second, which is of merchants and merchandizing, and consisteth upon exportacion, his Majesty and the realm may sustain very great losse and damage ;

1. By exporting from hence into Scotland, wool, cloth, and all other commodities, free of custome, his Majesty may sustain a far greater yearly losse, than all the customs of Scotland do yearly amount unto.

2. By carrying of wooll undraped, the poor people shall lose their labour and work, and thereby their meanes of maintenance for themselves and families.

3. By carrying merchandizing cloth, it will greatly decay the employment of our navigation and marine people.

4. It will overthrow the companies trading to Muscovie, Elbing, and Stoudt, giving meanes unto them, and the interlopers of our nation, to carry great store of cloth into those countries, to the utter ruin and overthrow of those trades, being the only commodity vendible there, and where 2 parts of the cloth of this realm is vented, the trade of those countries being formerly, by his Highnes's letters patent, as also from the precedent princes of this realm, incorporated and priviledged only to the companies of Merchant Adventurers, Elbing Merchants, and Muscovy Merchants.

5. Oxe

5. Oxe hides, raw and tanned, tanned leather, tallow and candles, and wooll fells, are by many good lawes forbidden to be exported forth of the realm; and if they should be admitted to be transported into Scotland, it would make a great dearth of those commodities amongst us, being of so great and needful use to the whole realm.

6. Iron ordinance, shott, and powder, are, in the wisdom of this honourable assembly, to bee provided for, it being reason their shipping should be furnished. So all fraudes and abuses are to be prevented by politique lawes and orders.

7. Corne and grain, of all sorts, are only fitt to be admitted to be carried into Scotland, according to their wants, and our plenty, by especiall order from his Majesty.

8. Sea-coles, by reason of the imposition of us, the chalder is also to be forbidden; other wise his Majesty may be deceived, and the farmer undone.

For any benefit that can come unto us by commerce with them, there is no reason to conceive it; for wealth doth cause vent of foreign commodities, and the riches of home commodities is cause of ample trade into forraine countries; both which the poverty and barrennes of Scotland doth not afforde, which doth plainly appeare, by the smalnes of customes now received in Scotland, and the small value of their commodities, either brought hither, or transported into other forreign countries.

Since then, that this union, by way of commerce,

merce, is intended to the utility and profit of both nations, and to the prejudice of neither party, and that, by reason of the poverty of that country, and the barrenness of their commodities, there is no expectation of gain unto us, by way of commerce, either by importation or exportation of any merchandizes, to or from Scotland; and as our country, in the riches of their home commodities, exceedeth all the countries in Europe, so the wisdom of the land hath, in all former ages, laid a double custom upon our staple commodities, to the end that, as they are the native riches and blessings of the land, so they should be appropriated unto the naturall born subjects of the same, and not to aliens.

And although by this union they may participate, in some measure, with us, of those blessings, yet no reason as coheirs, to the discommodity of all the subjects. They may therefore be limited, within certain boundes, to the end as wee profit nothing by them, so by their traffique with us, wee may not be impoverished, and they enriched. And these limitations following will give unto them great advantage of trade, and meanes to enrich themselves; and wee shall sustain no such great losse, but that may be born with patience; so as they do not enter into fraudulent practices and devises.

1. It may be lawfull for them to carry into Scotland so many broad clothes and kerfies of all sortes, as are for the expence of the kingdom, and as formerly have been expended, free of custome.

2. It

2. It may be lawfull for them to carry bayes and cottons, and all other lawfull commodities, so many and such quantity thereof, as may plentifully serve the whole kingdom, and to carry the same, either by land or by water, free and discharged of all customs; provided that, for those commodities which are carried by water, they give caution of the landing and imployment there.

3. It may also bee lawfull for them to shipp and transport, out of any of the ports and havens of this kingdom, and the lawful commodities of this realm, upon payment of English custom only; provided they do not shipp into any the countries priviledged and incorporated unto the company of Merchant Adventurers, Eastland Merchants, Muscovy Companie, Levant Merchants, or any other country, that may hereafter be priviledged by his Majesty to particular merchants, except by service or redemption, they do come to bee free brethren of those companies.

Jan. 10th, 1799.
Exd J. Bruce.

APPENDIX, No. IX.

The COPIE of the Kinges Maties Declarac̃on
to the Lower House of the Parliam^t: writ-
ten wth̃ his owne Hand, concerning the
matter of UNION.

2 May, 1604.

Yee see wth̃ what dearnes and sinceritie I
have behaved myself in this errand, ever through
all the progress thereof, though I will not say too
little regarded by you; but I may willingly say,
not so willingly imbraced by you, as the worthines
of the matter doth well deserve. I protest to
God, the fruits thereof will cheefely tend to your
owne weale, prosperitie, and encrease of strengthe
and greatnes. No thing can stay you from har-
kening unto it, but jelosie and distruste, either of
me the propounder, or of the matter by me pro-
pounded; If of me, ther do you both me and
yourselves an infinite wrong, my conscience bear-
ing me record, that I ever deserved the contrary
at your hands; but if your distrust be of the mat-
ter it self, then distrust it nothing, but your owne
wisdomes or honesties; for as I have given over
wrangling

wrangling upon words wth~ you, so crave I no conclusion to be taken at this tyme herein, but only a commiffion, that it may be disputed, considered upon, and reported to you, and then will ye be your owne cookes, to dresse it as ye list, so that, as I have already sayde, since the conclusion thereof can never be without your owne assents, if ye be true to yourselves, no man can deceive you in it. Let not yourselves, therefore, be transported wth~ the curiositie of a few giddy heads; for it is in you now to make the choice, either by yeelding to the providence of God, and embracing that wch~ he hathe caste into your mouthes, to procure the prosperitie and increase of greatnes to me and myne, you & yours, and by the taking away of that partic~on wall, wch~ already, by God's providence, in my bloud is rent asunder, to establish my throne and your bodye polittique in a perpetuall and flourishing peace; or els, contemning God's benefitts soe freely offered unto us, to spitt and blaspheme in his face, by preferring warr to peace, trouble to quiettnes, hatred to love, weaknes to greatnes, and division to vnion; to sow the seeds of discord to all our posterities, to dishonor your Kinge, to make both me & you a proverb of reproch in the mouthes of all strangers, & all ennemyes to this nãcon, and envyers of my greatnes; and our next labor to be, to take up new garrisons for the borders, and to make new fortifications there; *sed meliora spero*. I hope that God, in this choice and free will of yours, will not suffer you, with old Adam, to choose the worste, and so to procure the defacing of this earthly paradise: but by the contrary, that he

shall inspire you, so as wth̃ the second Adam, ye shall produce peace, and so bewtifie this our earthly kingdome herewith, as it may represent and be an earnest penny unto us of that eternall peace, in that spirituall kingdome, wch̃ is prepared for the perpetuall residence of all his chosen children.

Jan. 10th, 1799,
Exd J. Bruce.

APPENDIX, No. X.

The Ks. Addition to his SPEECH, written
with his own Hand, concerning the Use
of Brittany in the Treaty of Union.

K. James's owne hand, all.

For-gette not to advise the judges, upon
their consciences to God, and their alleadgeances
to me, to declare the truth, if I maye noe, at
this tyme, use the name of Brittain, warranted by
acte of parliament, without the direct abrogation
of all the lawes; and that they grounde all thaire
judgementis upon reason, policie, and exemple
of other kingdomes, and the solide law, indeid,
and not upon curiouse, wresting the letters of the
com'on law of England against all reason, and if
the name, as I meane it be, so absolutelie incom-
patible with the present distinction of lawes be-
twixt the realmes,

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XI.

A BRIEFE of the KING'S SPEECH, att the
breaking up att the First Sessions of
Parliament.

My lords, and you the knights and burgesſes of the Lower Houſe; though in the true nature of a parliament, you are but one body, yett, becauſe you are not conjoynde, as in Scotland, but divided into two houſes, I muſt ſpeake unto you diſtinctely. With you (my lords) I will not be long: I will not flater, nor by God's grace, ſpeake an untruth, publiquely or privately. Leſſe than this I cannot afforde you, and give you your due, that you have caried yourſelves with diſcretion, modeſty, judgment, care, and fidelity. Never King had better ſubject to praiſe good ſubjects then I you. In fine, you have done that, both in circumſtance and effect, that became you. I have more to ſay to you, my maſters of the Lower Houſe, both in regard of former occasions, and now of the ſpeaker's ſpeech. It hath been the forme of moſt Kings to give thanks to their people, however their deſerts were; of ſome to uſe ſharp admoniſhment and reproofes. Now if you expect either great prayſes or reproofes out of cuſtome, I will deceive you in both. I will not thank where
I ſee

I see no thanks due; you would thinke me base if I should; it were not christian, it were not kingly. I doe not thinke you, as the body of the realme, undutifull; there is an old rule, *qui bene distinguit bene docet*. This house doth not so represent the whole Com̃ons of the realme, as the shadow doth the body, but onely representatively. Impossible it was for them to know all that would be propounded here, much more all those answeres that you would make to all propoficōns, so as I account not all that to be done by the Commons of the land, which hath beene done by you. I will not thank them, for that you have well done, nor blame them for that you have done ill; I must say this for you, I never heard nor read, that there were so many wise, and so many judicious men of that House generally; but were many are, some must needs be idle heads, some rash, some curious, some busy informers. The greatest part of you were well affected; but where there is a like liberty, the most likely carries away the best: the reason is, the corruption of our nature. The pertnes and boldnes of some cries all modest men downe; you see I am not such a stock as to praise faults: I cannot say you all did well, or all ill; and whether well or ill, you must not expect I will give you the same answer. There were wise men amongst you; so was there a role of knavery. I do not think that any of you had seditious minds to overthrow and confound this monarchy; but out of divers humours and respects, you were moved to curiosities.

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1. Some

1. Some out of boldness to presse upon my lennity, and likewise on the thanks I gave you att the beginning of the parliament, they thought they would putt me to it, and now was it time to be done or never.

2. Some wanted fame; and rather than they would not win fame, would doe as he that burnt the temple of Ephesus.

3. Some had an itching humour ever to be talking; and this common saying is proper to common bablers, *In multiloquis non deest peccatum.*

4. Some were great populers, that did not cut even way betwixt theyr duty to their king and love to their country.

5. And some of a new religion, framed to their owne appetite, who in all haft would build new Jerusalem, and had no patience to stay for their fello was 'till domes day. No mervayle be if such concurrence bred perturbation. Too curious you were, (and God forgive you) too jealous of me. In my government by past of Scotland (where I ruled amongst men not of the best temper) I was heard not onely as a king, but suppose I say it, as a counsellor,; contrary, here, nothing but curiosity, from morning to evening, to find faultes with my propositions. There, all things warranted that came from me; here, all things suspected. I will begin with the newest, the greatest, and the first, the Union,—Looke not that I will sing a palinode, whatsoever had bin spread

to distast this union. I fitt no frame to you, but the matter I avowe, and much more, I avowe the name of Britanny; else were I a rebell and a traytor to God and nature.

These 2 kingdomes are so conjoynde, that if wee should sleepe in our bedds, the union should be, though wee would not. He that doth not love a Scotchman as his brother, or the Scotchman that loves not an Englishman as his brother, is a traytor to God and the King. I am alike to both, my affections are equall to both nations, I am no more beholding to either then to both. I will never deny that I came of English blood, *et e converto*. He meritts to be burried in the bot-tome of the sea, that shall but think of a separation, where God has made such a union. I am not ashamed of my project, neither have I differred it (I will daile plainly) out of a liking of the judges reasons or yours. He is a knave and a foole that doubts, but that it may be without loss to either in severall. But I have remitted the name, till after the thing be done, lest quircks in law might take other holde then is meant. A presumptuous toy to think, but that a man may be a Breton, and yett an Englishman, *separatim*; as well may it be said, that a Middlesex man is no Englishman, or a Westminster man no Middlesex man. In a word, I crave this union butt as far as it may be good for both; for were it good for one, and bad for another, it were no union. You had great busines amongst yourselves about religion. I cannot enough wonder, that in 3 daies after the beginning of the Parliament, men should goe contrary to theyr oathes of

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supre-

supremacy. In my first speech, I did litely note those of that novelty ; I did not think they had been so great, so proude, or so dominant in your House. This I say of it ; It is the most dangerous sect that claymes to novelty, curse unto it ! in things that are against the word of God. I will, with as great humility as any slave, fall upon my knees or face ; but in things indifferent, they are seditious which obey not the magistrate. There is no man half so dangerous as he that repugns against order ; yett some which make scruple I would use with clemency ; but lett them meete mee with obedience. To discreete men, I say, they shall obtaine their desires by grace ; but to all I profess, they shall extort nothing by violence. Touching the purveyors, who have much busied you this parliament. You have good lawes already, see them executed in God's name ; punish them, but wrong not their master. I were a tyrant, if I should uphold scribes and publicans. I will punish the great officers if they punish not the less. And now you are goeing into your severall countryes, I would have advise of the fittest meanes to ease yourselves of that burthen, but so that you lay not a greater burthen upon me. You see how, in many things, you did not well. The best apology maker of you all, for all his eloquence, cannot make all good. Forsooth a goodely matter to make apologies, when no man is by to answere. You have done many things rashly. I say not you meant disloyally. I receave better comfort in you, and accompt better to be King of such subjects, then of so many kingdomes, onely I wish you had kept a better
for

for me. I like forme as much as matter: it shewes respect, and I expect it, being a R, well borne (suppose I say it) as any of my progenitors. I wish you would use your liberty with more modesty, in time to come; you must know now that the parliament not sitting, your liberties are not fitting. My justice shall allwayes sitt in the same seat. Justice I will give to all, and favour to such as deserve it. In cases of justice, if I should do you wrong, I were no just King; but in cases of equity, if I should shew favour, except there be obedience, I were no wise man. Take this with you for a conclusion, and believe it, that never R, was more loving or thankfull to a people, or more carefull than I am, to ease their burdens.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX No. XII.

COMMISSION of King JAMES to the
Parliament of SCOTLAND,

26th April, 1604.

The quhilk day Alexander Lord Fyvie, vice Chancellor, producit, in presens of the haill estaittis than presentlie convenit, the commissioun underwrittin, gevin under the great seall, datit at Hamptoun Court, the aucht day of Februar, the zeir of God MVI^c: and four zeiris: of the quhilk commissioun, the tennour followes.

Jacobus dei gratia, Rex Scotie, Anglie, Francie, & Hibernie, &c. defensor fidei; omnibus probis hominibus suis ad quos presentes litere pervenerint, noveritis, quod Deus optimus maximus, qui regna dat & adimit, pro sua singulari erga nos misericordia & benevolentia, nobis nostroque veteri & avito Scotie regno, inclitum & imperiale diadema, ac regnum Anglie clementer cum summa omnium incolarum totius insule Britannie, toto orbe divise, gaudio & applausu adjecit, quodquidem Scotie regnum multorum annorum serie & longo avorum ordine, ad nos delatum, multis variisque civilium bellorum motibus, aliisque incommodis quibus regna communiter vexari solent
pene

pene attritum & eversum. Nos pro paterno amore quem erga subditos nostros, tanquam pius pater & pastor gerimus, ab interitu liberavimus in pristinum vel potius meliorem statum restituiimus pacem & concordiam revocavimus, & omnes nostros cives ad fidem & obedientiam nostram reduximus. Natura autem Deum omnium rerum parentem opificemq : se quæta Scotiæ & Angliæ regna lingua, moribus, religionis consensu, & unitate inter se concordia, infra unius insule ambitum, inclusit, eaq : conjunctione presagire visa est futuram horum regnorum in unum imperium, unionem. Quæ regna inter se furentia, ad ipsorum maximum detrimentum, inimicorum autem solatium, multis retro seculis in sua quasi viscera sevierunt, mutuisq lanienis & odio insatiabili ac pene immortaliter crudeliter sese laceraverunt. Hujus autem perfecte ac perpetue unionis stabiliende firmandeq : causa ut hæc duo regna inter se antea disjuncta, nunc vero ad nostri nominis gloriam, utriusq : regni commodum, ac singulare omnium incolarum emolumentum, inter se conjuncta firma & stabilia ad omnem posteritatem durent & permaneant. Nos postquam felicibus Dei optimi maximi auspiciis ad gubernacula regni Angliæ admoti fuimus, ordinavimus Parliamentum tenendum Londini, cum regni statuum consensu, vigesimo die Martii proximo futuro. In quo de modo & forma unionis regnorum Angliæ & Scotiæ tractari & deliberari possit. Preterea volumus quod eandem ob causam unionis Parliamentum teneatur per regni nostri Scotiæ status Edinburgi, vel quocunq : alio in loco prout Dominis secreti consilii videbitur expediens, decimo die Aprilis proxime sequentis cum continuatione

tinuatione dierum, in quo decernimus & ordinamus quod dicta unio duorum regnorum, primo & ante omnia tractabitur, & in genere concludetur. In eodem etiam eligentur specialis commissarii numero, qualitate & statu, pares, quoad fieri potest commissariis nominandis in Parlamento Anglie. Quicquidem Commissarii dirigentur versus nos, ut cum alteris Commissariis in nostra presentia conveniant & consultant, nostro cum consensu, de difficultatibus & dubitationibus que possunt occurrere, durante dicto contractu, & super eo negotio attendant, consultant & inter se conveniant, cum nostro consensu, super talibus capitibus, que postea in formam redacta referri possunt dictis statibus, & per eos approbari prout, illi judicabunt, eadem esse utilia fundamenta pro bono & quiete utriusque: regni & generaliter dicti status tractabunt, consultabunt & concludent, super omnibus & singulis aliis rebus concernentibus commodum regni, & utilitatem reipublice, de quibus Nos speciale nostrum mandatum dabimus nostris commissario & cancellario, infra scriptis, & clerico nostris regni. Et cum rebus nostris non solum postulantibus, sed etiam urgentibus, nobis non liceat in propria persona, dicto Scotie Parlamento interesse et necesse sit nostram personam & auctoritatem, per unum aliquem ex nostris subditis, qui sit illustris ordinis status & qualitatis ibidem, & durante tempore dicti Parlamenti, tantummodo representari. Ideo, tenore presentium nominamus & constituimus dilectum nostrum consanguineum & consiliarium, Joannem comitem Montisrosarum, Dominum Grahame & Mukdok, magnum nostrum Scotie Cancellarium, ut durante tempore dicti Parlamenti, regiam nostram
personam

personam representet. Volumus quoque ut dictum officium cancellarii durante dicto tempore, per dilectum nostrum, Consiliarium Alexandrum Dominum de Fyvie, presidem nostri collegii justitie suppleatur & administretur dan. conceden. & committen. per presentes, nostram plenariam potestatem & mandatum speciale, dicto consanguineo nostro, Joanni comiti Montisrosarum, nostro nomine & auctoritate, per publicam proclamationem, regni nostri status ad dictum Parliamentum convocandi. Et ad eum effectum, ex Cancellaria precepta dirigendi, dictum Parliamentum nostro nomine inchoandi & affirmandi, sectas vocandi, absentes, si occasio se offerat, amerciandi, ipsumq: continuandi, & currere faciendi. Similem quoq: potestatem & auctoritatem dan. & conceden. dicto nostro consanguineo, dictos status convocandi, precepta dirigendi, literas missivas ad eundem effectum mittendi, pro dicti Parliamenti affirmatione, tentione vel continuatione, commissionem dandi. Et similiter dan. & conceden. potestatem dictis statibus, Dominos Articulorum nominandi & eligendi, qui super generali materia unionis deliberent & concludent, commissarios eligendi, qui versus nos dirigentur, & specialiter ea de re, aliisq: particularibus materiis, ut dictum est, tractabunt, ac si nos in propria persona, presentes in regno nostro Scotie, eorum processus & actiones nostra regia auctoritate & presentia confirmaremus. Que omnia tenore hujus nostre commissionis, ad effectum supradictum suppleri, rata firma valida & irrevocabilia, in omne tempus manere volumus, mandando consanguineo nostro, nostram personam representanti, ut dictum est, & Dominis nostri secreti consilii, ut diligentem dent operam, ut omnia premissa

premissa & ordine & solemnitate fiant, que in tali actione requiri solent. In cujus rei testimonium, presentibus magnum sigillum nostrum apponi precepimus, apud Hamptoun Court, octavo diem ensis Februarii, anno Domini millesimo, sexcentesimo, quarto & regni nostri Scotie tricesimo septimo, Anglie vero Francie & Hibernie primo, per signaturam manu.

S. D. N. Regis suprascriptam suiq: secretarii subscriptam. And thairupone the said Lord Fyvie, Vice Chancellor, askit instrumentis.

Extracts from Records of Parliaments of Scotland, Vol.

XIX, folio 135.

(W. Robertson.)

Jan. 10th, 1799.

Exd J Bruce.

APPENDIX, No. XIII.

COMMISSION for the UNION.

11 June, 1604.

Forfamekle as it hes pleisit his maist excellent Majestie, acknowledging the unspeikable favour quhairwith the divine providence of the Most Heich haith blissed him, by the oft wisched, bot hardlie expected, conjunctioun of twa sa ancient and lang discordent kingdomes, maist earnestlie to desyre, ane establischt continuance of the samyn, that as by lauchfull successioun they ar ane in the heid, sua in the bodie, and everie member yairof, they may be sa inseparablie conjoint, as all eftir cumming ages suld find the sweitnes of the thrife, peace, wealth, and felicite, quhilk by the perfyte accomplisment yairof, may continew to the worldis end. And his maist excellent Majestie, althocht absent in persone fra his maist ancient & native kingdome, zit present by his princelie power, fatherlie cair, & prudent commandementis, dayele direct it to his maist humble & obedient subjectis of the kingdome, having layit befor yame the great blessing that a constant & freindlie conjunctioun with thair nichbour countrey of England, now united by
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alledgeance & loyall subiectioun in his Maiesteis maist royall persone, wald bring to thame & yair posteritie, & thairwith, out of his most louffing & accustumat princelie regaird to thair inestimable joy & comforte, witchaffing to assure yame of his sincere dispositioun & cleir meanyng, naway by the foirsaid unioun to prejudge or hurte the fundamentall lawes, ancient privilegeis, offices, & liberteis of this kingdome, quhairby not onlie y^e princelie authoritie of his maist royall discent haith bene yir mony aiges mantened, bot alsua his peoples securitie of thair landis and levingis, richtis, liberteis, officeis, & digniteis, preservit, quhilkis gif they suld be innovated, sic confusioun suld ensue, as it could no moir be a frie monarchie; & his Majesteis gracious intencion in establesching y^e foirsaid unioun, is onlie to alter & reforme sic indifferent & temporall statutis, particular customes, or speciall ordinances, quhairby the bygane remembrance may be extinguished, & the future growth preventit, of mony particular debaittis & unhappie accidentis, quhilk nicht heirafter disturb that constant love, & perfyte amitie betuix boith natiounes, sa tenderlie wisched by his maist excellent Majestie, & sic stedfast & a fauld groundis of uniforme societie surrogat in thair place, that as y^e present age is ravished in admiratioun with ane sa fortunat beginning, sua the posteritie may rejois in the fructioun of sic ane effectuall unioun of twa sa famous & ancient kingdomes, miracoulouslie accomplisched in the blude & persone of sa rare ane Monarche. Thairfoir, & for the mair perfyte accomplisching

pleisching of the work fairsaid, the estaittis, spirit-
uall & temporall, of this present parliament as-
sembled, be vertue of his Majesties commissioun,
under the great seall of Scotland, declairis, statutis,
& ordinis, that the persounes following, they ar
to say, Johne Erle of Montros, Lord Chancellor
of Scotland, Francis Erle of Erroll, Heich Con-
stable of Scotland, George Erle Marschell, Great
Mairschell of Scotland, James Erle of Glencarne,
Alexander Erle of Lynlythgw, Johne Archbischof
of Glasgou, David Bischof of Ross, George Bis-
chop of Caithnes, Walter Prior of Blantyre,
Patrik Lord Glammes, Alexander Lord Elphing-
stoun, Alexander Lord Fyvie, President of the
Counsaill of Scotland, Robert Lord Roxburgh,
James Lord Abercorne, James Lord Balmurrenoch,
Principall Secretarie of Scotland, David Lord
Scone, Sir James Scrymgeour of Dudop, knyt.
Sir Johne Cokburne of Ormestoun, knyt. Sir
Johne Home of Coldounknowes, knyt. Sir David
Carnegie of Kynnard, knycht, Sir Robert Melvill,
eldar, of Murdocarny, knyt. Sir Thomas Ham-
myltoun of Bynnie, knyt. Sir Johne Lermouth of
Balcome, knyt. Sir Alexander Stratoun of Lauref-
toun, knyt. Sir Johne Skene of Curryhill, knyt.
Maister Johne Scharp of Houstoun, Lawer, Maister
Thomas Craig, Lawer, Henrie Nesbit, George
Bruce, Alexander Rutherfurde, Mr. Alexander
Wedderburne, Merchandis, or ony tuentie of
thame, fall, by vertue of this present act, haue
full power, commissioun, libertie, & authoritie,
to assemble & convene thameselffis, eftir y^e end-
ing of this present sessioun of this parliament, &

befoir ye nixt fessioun, yairof at sic tyme, & in sic place, as it fall pleis his Majestie to appoint, with certane selected commissioneris, nominat & authorized by the parliament of England, according to the tennour of thair commissioun in that behalf, to confer, treat, & consulte upoun a perfyte unioun of the realmes of Scotland & England, & concernyng sic uther materis, caussis, & thingis, quhatsumeir, tending to Majesteis honour and contentment, & to the weill & tranquillite of boith the kingdomes, during his Majesteis lyfe (quhilk the euir living God lang continew) & during his royall posteritie, in blissed tranquillite, to the worldis end, as upoun mature deliberatioun, the greatest pairt of the saidis commissioneris assembled, as is foirsaid, with the commissioneris authorizit by the parliament of England, fall, in thair wisdomes, think maist expedient & necessar, not, dirogating ony wayes ony fundamentall lawes, ancient privileges, offices, richtis, digniteis, & liberteis of this kingdome, as is afoirsaid; and that the commissioneris of baith the saidis realmes, according to the tennour of thair commissioun in that behalf, sett down thair proceedingis, in thrie severall wrytingis, euerie ane of thame to be subscryuit & seallit be thame, to the end that ane of thame may be, in all humilitie, presentit to his Majestie, the secund to be presentit to the consideratioun of the nixt fessioun of parliament for the realme of Scotland, & the thrid to be offerrit to the consideratioun of the nixt fessioun of parliament for the realme of England, that yaireftir sic ordour may be tane thairon,

thairon, as baith the saidis parliamentis fall think
expedient for his Majesteis satisfioun, & benefit
of boith the saidis kingdomes.

Extracts Parlt. of Scotland,
Vol. XIX. folio 137.

W. Robertson, Register Office.

Jan. 10th, 1799,
Exd. J. Bruce.

APPENDIX, No. XIV.

PROCLAMATION anent his MAJESTIES new
style and titill of KING of GREAT BRI-
TAINE.

15 Nov^r. 1604.

The quhilk day, the act and proclamatioun,
under writtin, signed be the Kinges most excellent
Magestie, and send hame to be published in this
kingdome, being presentit befor the Lordis of
Secreit Counfall, the saidis Lordis ordanis the
samin to be insert & registrate in the buikis of
Secreit Counfall, and to haue the force and strenthe
of ane act of counsaill, in all tyme cuming; of the
quhilk the tennour follouis.

James R. Quhear as it haith pleised the gra-
cious Providence of the Moist Heiche, in this
thryfs happie fulness of tyme, to juoyne and unit
in our royall persone the twa most ancient & fa-
mous kingdomes of Scotland and England in
unite of allegiance, according to our undoubtit
richt (thairby accomplishing that quhilk the
situatioun and boundis of nature, the similitud of
persounes, ydentitie of language, conformitie of
maners, consent in religioun, & all uther most
strait bondis & perfyte unitie had, of lang tyme,
foirtaikined) We think it everie way repugnant
to

to that decent ordour & prudent politie, quhair
by hitherto, by Goddis hevintlie assistance we
haive mainteynit & increffed our estaite, that it
quhilk by God and natures forme was maid ane
(& now, to the greit joy of sa mony hartis, united
in our persone, in ane unmutable monarchie) is
one sould ane langer reteine the memorie of those
distracted dominionnes, quhairby outhir past emu-
lacioun may be renewed, or oportunitie left to
futur disturbance; and seing nothing is able to
procure our better securie at hame, & greiter
terroure to any ennemeis abrod, then to strenthen
the unitie of our monarchie, not onlie con-
tinewing it as it is one in effect, bot ewin by
assuming that one ancient maner quhilk in all
ages, by the pennes of the learned, haith maid
this greatest island of the world most famous,
we haive resolved (out of our princie caire for the
perpetuall continewance of this moift happie
unioun) that as our imperiall monarchie of thease
two greit kingdomes doethe comprehend the hole
yland, with the dependences & pertinentis of the
samin, so it fall keip in all ensewing ages the
united denominatioun of the invincible monarchie
of Greit Britane; and thairfoir, by the force of
our royall prerogative, we assume to our selfis the
style & tytill of King of Greit Britane, France, &
lyreland, Defender of the Faithe, as our just &
lawfull style, to be used in all proclamatiouns,
misseives, treaties, leagues, dedicatiounis, im-
pressiounis, & all cases of the lykis nature, in tyme
cuming, dischairging & discontinewing the seue-
rall names of Scotland & England to be expresseit
in our tytillis, except in legall proceedings, in-
strumentis,

strumentis, & assurances, of particular parteis, quhilk by the said alteratioun may be prejugeit, till farder ordour be tane in that behalfe.

28 Martii, 1605. Anent the Parlement.

Forfamekill as at the last sessioun of the Parlement haldin at Perth, in the monethe of July last, the estaites then convenit, declairit the said Parliament to be current, & to be of new proclamit, upon 20 dayes wairning; and now it hes pleased the Kingis most excellent Majestie, for certane greit & wechtie effaires, tending to the commoun weill & benefite of this realme, & for a perfyte confirmatioun & approbatioun of the particular heidis & articles, past in the conference & treatie of the unioun, to ordaine his Hienes parliament to be haldin, in this kingdome, with all convenient expeditioun, lyk as the Lordis of his Hienes Secret Counsell fallowing his Majesteis directioun in that point, hes appointit & appointes the said parliament to be haldin, God willing, at Edinburgh, upon the sevint day of Junii next to cum, & thairfoir ordaines lettres to be direct to mak publicatioun heiroyf, be oppin proclamation at all places neidfull, quhairthrow nane pretend ignorance of the same; and to the end, charge all & findrie duikis, marquestes, erllis, lordis, prelats, commissioneris for the baronis & burrowis, & all utheris the estaites of this kingdome, haifing vote in the said parliament, to come & be present, thairat the daye foirsaid, with certificatioun to thaim, that beis absent, that thai fall be unlawit in the ordinar & accustomed panes;

panes; & the same unlawis upliftit of thaim without favour.

Extract Volume II. of the E. of
Hadinton's MS. Collections,
viz. that part of it entitled,
" Notes furth of the Register
of the Privie Counfall.

W. Robertson, Register Office, Edinb.

Jan. 10th, 1799,
Exd J. Bruce.

APPENDIX No. XV.

ARTICLES of UNION.

1604.

Wee therefore, in respect of that duty, which wee owe to Almighty God, and of our loyall and humble affection to his Majesties naturall care of our cuntryes preservation, and for discharge of that great trust and confidence, which it hath pleased both the said Parliaments, with soe great favour and honour, to repose in us (having according to our authoritie in our commissions, in most friendly manner assembled and mett together, in many dayes conferences, from the twenteyeth day of October, untill the day and date of these presents) and having entered into serious consideration of all things, that seemed in our judgement most necessary to be presently treated of and debated, amongst us, in this commission, have, as farr forth as the time and present state of the affaires of both kingdomes could permitt, briefly sett downe, in diverse articles, such propositions as (by a mutuall and uniforme consent) we have thought expedient and necessary to bee presented to the King's Majestie, and to the High Courts of Parlyaments of both kingdomes, there to receive such strength and approbation, as shall seeme

seeme good to their great wisdomes, not doubting, but our carefull consultations shall procure us just and favourable interpretations, as to those that have laboured to noe other end then to prepare the redyest way for them, then to effectuat that happy union, of which his Majestie hath soe religiously and graciously made mention to his people, in many zealous and prudent speeches and writeings, and for which wee were onely ordained, by both Parliaments, to imploy our best meanes, wherein wee submitt ourselves, and our proceedings, to their great wisdomes and understanding.

Articles agreed by the Commissioners to be propounded to the Parliaments of both kingdomes, at next Sessions. The articles of Union.

It is agreed by us, the Commissioners of England and Scotland to be mutually propounded unto the parliaments of both realmes, at the next sessions; That all the perticular hostile lawes hereafter enumerated, and all others of the same nature, now omitted, which have beene made and conseived, expresseley by name, by England against Scotland, as enemyes, or by Scotland against England, as enemyes, shall bee propounded to the parliaments of both realmes, at the next sessions, to be abrogated, and utterly extinguished; Of the which perticular lawes the severall kalenders follow. Hostile lawes to be abrogated.

A Kalender of the Lawes, Statutes, and Ordinances of England, purporting memory of hostility against the realme of Scotland. Hostile lawes of England enumerated.

5 R. II, Cap. 2. That none of the King's people (some persons except) doe passe out of the realme, without the King's license, upon paine of losse of their goods. To be repealed, for soe much as concerneth passage into Scotland.

7 R. II, c. 16. That noe armour, victuall, or other refreshment, be carryed into Scotland upon paine of seiffine and forfeiture.

4 H. V, c. 7. That letters of mart or reprisall bee granted against the people of Scotland, in case where the subject of England hath bene spoiled, and hath complained, and not received redresse. To be repealed, for soe much as concerneth Scotland.

31 H. VI, c. 3. That march law be not used out of the circuit of three countyes.

7 H. VII, c. 6. That Scotchmen avoid the land within a time prefixed.

23 H. VIII, c. 16. } That the conveying hor-
1 Eliz: c. 8. } ses into Scotland, with-
out license, be made felony.

33 H. VIII, c. 6. That crosse bowes and hand gunnes, being forbidden in other parts of the realme, may, notwithstanding, be used within five miles of the sea coast, and twelve miles of Scotland. To be repealed soe farr as concerneth Scotland.

2 & 3 of P. & M. c. 1. } That noe lands or
 et 23 Eliz: c. 4. } tenements bee lett
 to Scotch men upon borders. Certaine constitu-
 tions of burroughes and townes, that Scotch men
 may not bee maiors or officers.

An Extract of the Lawes and Statutes of the
 Realme of Scotland, bearing remembrance
 of Hostility against the Realme of Eng-
 land.

Hostile lawes of
 Scotland enu-
 merated.

Ja. I, c. 128. All persons remayning in
 England, without the King's licence, comitts
 treason.

Ja. I, c. 141. Affurance with English men,
 or takeing protection from them for lands or
 goods, is treason.

Ja. I, c. 145. Buying and felling of Eng-
 lish goods, forbidden under paine of escheat.

Ja. II, c. 50. That none passe into Eng-
 land, in time of warr, without license, under paine
 of treason.

Ja. II, c. 51. That noe Englishman come
 into Scotland, without conduct; and that noe
 Scotchman sitt under assurances with them.

Ja. II, c. 52. That noe Scotchmen supply
 Barwick or Roxburgh, under paine of treason.

Ja. II, c. 56. That all men be ready for
 defence of the realme against England.

Ja. III.

Ja. III. Two acts for resisting King Edward IV.

Ja. III. fol. 67. The upholding of Barwicke and garrisons upon the borders.

Mar. c. 13. Scotchmen charged to leave assurance with Englishmen.

Mar. c. 15. Assent assured Scotchmen assisting the English army.

Ja. VI. Par^t xi. c. 105. Scotch borderers discharged to marry English borderers daughters.

Ja. VI. Par^t xi. c. 106. The warden should putt in bill the names of Englishmen that occupy land in Scotland, and seeke redresse according to the treatyes.

The customes
of the borders
to be abrogat-
ed.

The name of
borderers to be
extinguished.

Remedy for
sentences given
by the opposite
officers of the
borders, for
wrongs done
before the
death of Queene
Elizabeth.

It is alsoe agreed, that all lawes, customes, & treatyes of the borders, betwixt England and Scotland, are to be declared, by a general act; to be abrogated and abolished, and that the subjects on either part, shall be governed by the common lawes and statutes of either kingdome, where they dwell, and the name of the borderers to be extinguished. And because, by the abolishing of the border lawes and customes, it may be doubted, that the execution shall cease upon those sentences, that have beene given heretofore, by the opposite officers of those borders, upon wrongs committed before the death of the late Queene of happy memory; It is therefore thought fitt by us, the commissioners, that it be
propounded

propounded to both the parliaments at next session, That in case the com'issrs' or officers, to be appointed by his Majestye, before the time of next sessions of parlyament, shall not procure sufficient redresse of such filed bills and sentences, that then the said parlyaments may be moved to take such order, as to their wisedomes, shall seeme convenient, for some course, for satisfaction of those debts, which have beene determined by former officers; and alsoe how disorders and insolencies may be hereafter repressed, and the country, which was late of the borders, may be kept in peace and quietness, in time to come; and likewise to prescribe some order, how the pursuits for former wrongs, preceding the death of the late Queene of happy memory, and since the last treatyes of the borders, in the yeares one thousand five hundred and six, and one thousand, five hunderd and ninety seaven, which have never as yet beene moved, may continue and be prosecuted to definitive sentence. And forasmuch as the next degree in order to the abolition of all memory of hostility, is the communion and participation of mutuall commodities and concourse therefore; It is agreed to be propounded to both parlyaments, at the next sessions, First concerning the importation of merchandizes into either realme, from foreigne parts, That whereas certaine commodities, are wholly prohibited, by the severall lawes of both the realmes, to be brought into either of them, from any forraigne parts, by the native subjects themselves of either country, or by any other, now the said prohibition is to be made mutuall and common to both, that neither any Englishman may bring into Scotland,

or

That the parlyaments may consider how to satisfy debts judged by former officers.

How disorders on the borders may be hereafter redressed.

How the pursuits, before the death of Q. Elizabeth, may be prosecuted.

Articles concerning trade.

Prohibition of particular goods to be mutuall.

Liberty of im-
porting goods
to be equall.

Goods made in
either king-
domes not to
be counted for-
reigne to the
other.

Concerning the
Scotch trade to
France.

or any Scotchman into England, any of the
said prohibited wares or commodities; and yet,
neverthelesse, if the said commodities be made in
Scotland, it shall be lawful to bring them out of Scot-
land into England, as, noe foreigne commodities,
and soe, reciprocally, of the like commodities,
made in England, and carryed into Scotland.
And as for commodities and merchandizes, not
prohibited by law, to be brought into either
realme, whereas a doubt hath beene conceived
against the equall communication of trade, betwixt
the English and Scotch subjects, in matter of
importation, grounded upon some inequality of
priviledges, which the Scotch were supposed to
have in forreigne parts, and namely in France,
above the English, whereby the English might be
prejudiced; forasmuch as, after very deliberate
consideration had of the said doubt of supposed in-
equality, and as well private as publique exami-
nation of diverse merchants of either side, touch-
ing all liberties, immunities, priviledges, imposts,
and payments, both on the part of the English, and
on the part of the Scotch, either at Bourdeaux, in
their trade for wines, or in Normandy, or in any
other part of France, for any other com'odities, it
appeared, that in the said trade of Bourdeaux,
there was and is to be found soe little difference,
in any advantage of priviledges or immunities, or
in the imports and payments (all being reckoned
and well weighed on either side) that appertained,
or may appertain, to the subjects of either
kingdome, as might not justly hinder the com-
munication of the trade; and, likewise, that in the
trade of Normandy, or any other parts of France,
the

the advantage that the Scottish subjects, by their priviledge, ae acknowledged to have, is but such as, without much difficulty, may be reduced and brought to an equality, with the English, by such meanes as is hereafter declared; It is therefore agreed, to be propounded to both the parlyaments, at the next sessions, That the Scottishmen shall be free for transporting wine from Bourdeaux into England; paying the same customes and duties that the Englishmen doe pay; and that the English men shall likewise be free, for transporting wine, or other comodities, from Bourdeaux into Scotland, paying the same customes and duties, that Scottishmen pay there, And likewise for the clearing and resolving of the doubt, touching the advantage, that the Scotish men are supposed to have the English, in buying and transporting the comodities of Normandy, and of other parts of the kingdome of France, (except the buying of wine at Bourdeaux, which is already determined) It is agreed on both sides, to be propounded, as afore said; That there shall be sent fower meete and discreete persons into France, two for each side, there to take perfect notice of any such advantage, as either the English have above the Scottish, or the Scottish above the English, in the buying and transporting of any com'odities of Normandy, or of any part of France (excepting the trade for wine at Bourdeaux); and as the said persons shall finde the advantage to be, soe (for the makeing of the trade equall) the custome shall be advanced to the King, in England or Scotland, on the part of those that have the advantage, and according to the proportion of the said advantage, and the advancement of the custome to continue

Scots import-
ing wine from
Bourdeaux into
England, to pay
custome as
English.

Englishmen im-
porting goods
from Bour-
deaux into Scot-
land, to pay
custome as
Scots.

Concerning
trade to Nor-
mandy.

Com'rs for
both king-
domes to
determine the
difference of
trade to Nor-
mandy.

According to
the advantage
of either king-
dome, the cus-
tome to be
advanced to
make trade
equall.

In importation from all other forreigne parts, the privileges to be equall in both kingdomes.

Neither English nor Scots to export prohibited goods, out of either kingdome, to forreigne parts.

English and Scots to have equall privilege in exporting licenced goods.

Native commodities and manufactures, of eyther kingdome, to be carried to the other, customs free.

noe longer, then the priviledges, giving such advantage, shall continue. And that, generally, for all other trade from any other forreigne parts, the English and Scottish subjects, each in others countrys shall have liberty of importation, as freely as any of the native subjects themselves, not haveing speciall priviledge. Next, concerning exportation; it is agreed to be propounded to both parlyaments, at the next sessions, that all such goods or commodities, as are prohibited and forbidden to English men themselves, to be transported forth of England, to any forreigne part, the same shall be unlawfull for any Scottish man, or any other, to transport to any forreigne nation over sea, and that under the same penalties and forfeitures, that the English man is subject unto; and reciprocally, that forth of Scotland no Englishman shall transport those forreigne goods or commodities, to any forreigne part, that in Scotland, are prohibited to Scottishmen themselves: But neverthelesse, such goods and merchandizes as are licensed, and are lawful to Englishmen, not specially priviledged, to transport out of England into any forreigne part, the same may be likewise transported by Scottishmen thither; and their certifying their going into forreigne parts, and taking cocket accordingly, shall be bound onely to pay the ordinary custome that Englishmen themselves doe pay, at the exporting of such wares, and the like libertie to be for Englishmen into Scotland. And as for those native commodities, which either of the countreyes doth yield, and may serve for the use and benefit of the other; It is agreed to be propounded to both parlyaments, at the next sessions, That mutually there may be transported,

transported, forth of England to Scotland, and forth of Scotland to England, all such wares, as are either of the growth or handyworke of either of the said realmes, without payment of any custome, impost, or exaction, and as freely, in all respects, as any wares may be transported, either in England from port to port, or in Scotland from port to port; excepting such particular sorts of goods and merchandizes as are hereafter mentioned, being restrained for the proper and inward use of each country; And for that purpose, it is declared, that forth of the mutuall conjunction of benefitts and participation of the native commodities of the one country with the other, there shall be specially reserved and excepted the particular sorts hereafter specified, that is to say, wooll, sheepe, sheepe fells, catle, leather, hydes, and linnen yearne, which are specially restrained within each country, not to be transported from the one to the other; excepting alsoe, and reserving unto the Scottish men, their trade of fishing within the loughes, frythes, and bayes, within land, and the seas within fowerteene miles of the coasts of the realme of Scotland, where neither English men, nor any stranger or forreigners, have used to fish, and soe reciprocally, in the point of fishing on the behalfe of England; all which restrictions and exceptions, before mencioned, are not to be understood or meant, in any sorte of seperation or disunion, but onely as matters of pollicy and conveniency for the severall state of each country. Furthermore, it is agreed, that all forreigne wares, to be transported forth of Scotland into England, or out of England into Scotland, by the King's

Goods and merchandizes excepted and received to each kingdome.

Exception of certaine goods not to be taken as a mark of disunion, but conveniency for each kingdome.

Forreign goods transported out of either kingdome into the other, not to pay custome twice.

Owners of
such goods to
give bond, not
to transport
them into for-
reigne parts.

English and
Scots to be re-
ciprocally as-
sociated into
societies of
merchants of
the other king-
dome.

A caution con-
cerning the
transporting of
forreigne goods
from one king-
dome to the
other.

The penalty of
transgressing
the last article.

subjects, of either of the kingdomes, haveing, at their first entry in either of the said kingdomes, once paid custome, shall not pay outward custome there afterwards, save onely inward custome at that port, whereunto they shall be transported; but the owners of the goods, or the factor and master of the shipp shall give bond, not to transport the same into any forreigne parts. It is alsoe agreed, that Scottish men shall not be debarred from being associated into any English company of merchants, as Merchants Adventurers, or others, upon such conditions, as any native English men may be admitted, and soe reciprocally for Englishmen in Scotland. It is neverthelesse agreed, by mutuall consent, and soe to be understood, That the mutuall libertie aforesaid, of exportation and trade on each part, from the one to the other, shall serve for the inward use onely of either realme, and soe as sufficient order be taken to restrain and prohibit, on either part, the transportation of the said com'odities into forreigne parts; and for due punishment of those that shall transgresse, in that behalfe, and for the better assurance and caution therein; It is agreed by us, the Commissioners, to be propounded to the parliaments of both kingdomes, at the next sessions, for a law to be made, That every merchant soe offending, shall forfeite his whole goods, the shipp wherein the said goods shall be transported, to bee escheated and forfeited, the customers, searchers, and other officers of the customes, whatsoever, in case of consent or knowledge, upon their part, to the transporting of such wares, to loose their offices and goods, and their persons to be imprisoned, dure-

during his Majesty's will: and of the said escheates and forfeitures, two parts to appertain to his Majesty, if the customes be unfarmed, and the third to the informer; and if the customes be farmed, one third of the forfeitures to belong to his Majesty, one third to the farmers of the customes, and the other third to the informer, and the tryall of the offence to be summary, in either country, in the Exchequer Chamber, by writt, sufficient witnesse, or oath of partie, or before the justice by jury or affize; and his Majestyes officers, in either of the kingdomes, to concur with the complaints, haveing interest in the pursuite. And for the more surety, that there shall bee noe such transportation of goods exported from the one countrey to the other, It is thought meete, that at the shipping of all such native commodities, there be taken by the customer of the porte, where the goods or wares be embarked, a bond or obligation, to be subscribed by the owner, of the said goods, and master of the shipp, if the owner be present, or (in case the owner be absent) by the master of the shipp, and the factor or party that ladeth the goods, the said bond containing a sum of money, answerable to the value of the goods, with condition for relieving of the partie bound, and discharging him of the said bond, in case retourne be made of due certificate to the said customer, where the goods were laden, from any port within England or Scotland; the certificate to be subscribed and sealed by the officers of the customes of the port, where the goods shall arrive and be unladen; or if there be noe such officers, then by the chiefe officer

A further caution concerning the aforesaid article against exportation.

The forme of
the bond a-
gainst exporta-
tion.

officer or magistrate, and towne clarke of that harborough towne, under their hands and towne seale; the tenour of which bond is mutually agreed to be, in manner following; “ Noverint universi *¶* presentes, nos R. D. de et J. P. de Kingston sup: Hull, in com. ejusdem villæ de Kingston sup. Hull, teneri et firmiter obligari serenissimo domino nostro Regi in cent. Marcis bonæ et legalis monete Anglie solvend eide. domino nostro Regi, heredibus, aut successoribus suis, ad quam quidem solutionem bene et fideliter faciend. obligamus nos, et utrumq: nostr. *¶* se pro toto et in solide heredes, executores, et administratores meos, firmiter *¶* presentes, sigillis nostris, sigillat dat, &c. The condition of this obligation is such, that whereas the above bounden R. D. and J. P. have shipped and laden, in this port of London, in the shipp called the William of Hull, whereof the said J. P. is, under God, master, ten tonnes of iron, six tonnes of civill oyle, fower faggots of steele, and sixteene butts of grocery ware, to be transported to the port of Aberdine, and laid on land there, as by the entrie thereof, made in his Majestyes coast booke of this port of London, doth appear; if therefore the above bounden R. D. and J. P. doe discharge and lay on land the said goods, at the said port of Aberdine, or any other port within the kingdome of Scotland, out of the same shipp, and not elsewhere, and within one year next ensueing the date hereof, bring and deliver to the officers of this port of London, whome it concerneth, a true certificate, under the hands and seales of office of the magistrates of the said port of Aberdine, or of any other

other port of the kingdome of Scotland, where the said goods shall be landed and delivered, testifying the landing and true delivery of the premises, without fraud or conin; and in case the validity of the said certificate shall happen to be impugned, or brought in question, shall, in the next terme after the end of the said yeare, make sufficient proove in the Exchequer Chamber, before the Lord Treasurer and Barons there, by such lawful witnesses or proofes as that Court shall allowe of, that then this obligation to be void and of none effect, or else to abide in full effect and vertue." And a bond of the same tenour (mutatis mutandis) to serve for Englishmen, exporting the like merchandize out of Scotland into England. And because the certificates being returned may, neverthelesse, either by negligence, or by mischance, be lost, and the bonds being extant, and noe record had of the certificate, the party who was bound, his heires and executors, may be subject to the penalty of the said bond; for remedy whereof, as it is thought meete, that the space of one whole yeare, after the date of the bond, be yielded, and allowed for the returne of the certificate, soe it is holden fitt to be ordained, that upon the exhibiting of the certificate unto the customer, he shall forthwith note upon the bond, the receipt of such a certificate, bearing testimony by whom the same was given, the contents thereof, and the date of the same: And if within the space of two yeares, next after the exhibiting of the said certificate, the truth and validity thereof shall not be impugned and called in question, in that case, the bond shall be

Provision on
behalf of the
party giving
such bond.

The manner of
proceedings
upon bonds
forfeite.

Article con-
cerning the
shipping of
goods in for-
eigne bot-
tomes.

Article for the
maintenance
of the greate
shipping of
both king-
domes.

be holden fully satisfied and discharged ; and after the expiration of the said two yeares, noe question or challenge to be made upon the said bond, against the party obliged, and the bond itself to be (ipso facto) for ever after void and of none effect. And to the end that there may be due execution in the Exchequer of either realme, of such bonds, as shall be forfeited (in case the party forfeiting the said bonds be not to be found in that realme, where the bonds were taken, and forfeited in that realme, but in the other) it is likewise thought meete and agreed, that the bonds, so forfeited, on either part, shall be mutually and reciprocally transmitted from the Exchequer of the one realme to the other (as cause shall require); and that the debts recovered upon the said bonds forfeited, shall be likewise transmitted and answered, to the Exchequer, in either realme, where the bonds were taken. And furthermore, upon mature and deliberate consideration, touching the indifferent shipping of commodities, either in English or Scottish bottomes (respect being had to former lawes and prohibitions to the contrary), It is agreed to be propounded to both the parlyaments, at the next sessions, that English-men and Scottish men, and either of them, may freight and lade their goods, either in other shippes and bottomes, indifferently and respectively, paying onely English and Scottish custome, notwithstanding any contrary lawes or prohibition. And withall, that it be likewise propounded to the parlyament of England, to consider of some good lawes and orders, for the upholding and maintenance of the great shipping of England; and that

that the like proposition be made, in the parlyament of Scotland, for the makeing the shipping of Scotland more proportionable in burthen, to the shipping of England, the better to serve both for the equality of trade, and for common defence of the whole island. And because it is requisite, that the mutuall communication aforesaid, shall not onely be extended to matter of commerce, but alsoe to other benefitts and priviledges of naturall borne subjects, It is agreed, by mutuall consent of us, the com̃rs of both the realmes, that it should be propounded to both the parlyaments, at the next sessions, that an act be made, containing a declaration, as followeth; That all the subjects of both the realmes, borne since the decease of Elizabeth, the late Queene of England, of happy memory, and all that shall be borne, hereafter, under the obedience of his Majesty, and his royall progeny, are by the com̃on lawes of both the realmes, and shall be for ever, enabled to obtaine, succeede, inherite, and possesse, all lands, goods, and chattels, honours, dignities, offices, liberties, priviledges, and benefitts, ecclesiasticall or civill, in parlyament, and all other places of the said kingdomes, and every one of the same, in all respects, and without any exception whatsoever, as fully and amply as the subjects of either realme, respectively, might have done, or may doe, in any sorte, within the kingdome, where they were borne. Further, forasmuch as his most excellent Majesty, out of his great judgement and providence, hath not onely professed in publique and private speech to his nobility and counsell of both kingdomes, but hath alsoe vouch-

Article concerning naturalization of the subjects of both kingdomes.

His Majesty's gracious promise, concerning the subjects of either kingdome, borne in Q. Elizabeth's time.

The resolution
of the com'rs.
thereupon.

That the sub-
jects of either
kingdome,
borne in Q. E-
lizabeth's time,
may enjoy all
privileges of
the native sub-
jects; except

safed to be contented, at this time, for a more universal satisfaction and comfort of all his loving subjects, that it may be comprized in this act, That his Majestie meanes not to conferre any office of the crowne, any office of judicature, place or office in parliament, of either kingdome, upon the subjects of the other, borne before the decease of the late Queen, of happy memory, as aforesaid, until time and conversation hath increased and accomplished an union of the said kingdomes, as well in the harts of all the people, and in the conformity of lawes and pollicy, in the kingdomes, as in the knowledge and sufficiency of particular men, who being untimely imployed in such authorities, could noe way be able, much lesse acceptable, to discharge all duties belonging unto them. It is therefore resolved by us, the commissioners aforesaide, not onely in regard of our desires and endeavours to further the speedy conclusion of this happy worke intended, but alsoe as a testimony of our love and thankfulness to his Majestie, for his gracious promise aforesaid, (in whose sincerity and benignity we build our full assurance, even according to the inward sense and feeling of our owne loyall and harty affections) to obey and please him, in all things worthy of the subjects of soe worthy a soveraign. That it shall be propounded to both the parliaments, at the next sessions, as our uniforme desire, to have it enacted, by their authority; That all the subjects of both realmes, borne before the decease of the late Queene, may be enabled and made capable to acquire, purchase, inherite, succede, use, and dispose of, all lands, inheritances, goods,

goods, offices, honours, dignities, liberties, privileges, immunities, benefices, and preferments, whatsoever, each subject, in ether kingdome, with the same freedome, and as lawfully and peaceably, as the very native, and naturall borne subjects of either realme, where the said rights, states, or profitts, are established, notwithstanding whatsoever law, statute, or former constitution, heretofore in force, to the contrary, other then to acquire, possesse, succcede, or inherite, any office of the crowne, office of judicature, or any voice, place, or office in parlyament; all which to remain still free from being claimed, held, or enjoyed, by the subjects of the one kingdome, within the other, borne before the decease aforesaid, notwithstanding any words, sense, or interpretation of this act, or any circumstance thereon depending, untill there be such a perfect and full accomplishment of the union, as is mutually desired by both the realmes: in all which points of reservation, either in the recital of the words of his Majestye's sacred promises above-mentioned, or in any clause or sentence of the reservation before specified, from enabling them to hold any of those foresaid places or dignities, it hath beene, and ever shall be, soe farr from the thoughts of any of us, the said commissioners, in any sort, to presume to alter or impaire his Majestyes prerogative royall (who contrarywise doe all with comfort and confidence depend herein upon the gracious assurance, which his Majestie is pleased to give, in the declaration of his soe just and princely care and favour, towards all his people) as for a further laying open of our cleare and dutifull intentions towards his Ma-

officers of the crown, or judicature, or voice in parliament.

The com'rs. care and caution, that the foregoing article may not entrench upon his Majestye's prerogative.

Article concerning malefactors of one kingdom flying into the other.

jestye, in this and in all things else, which may concerne his prerogative. Wee doe herein, also, professe and declare, that wee thinke it fitt; That in the act propounded to be passed, in both the parlyaments, there be inserted, in expresse termes, sufficient saveings and preservations of his Majesty's prerogative royall, to devizate, enable, and preferre to such officers, honours, dignities, and benefices, whatsoever, in both the said kingdomes, and either of them, as are heretofore excepted, in the preceeding reservation, all English and Scottish subjects, borne before the decease of the late Queene, of happy memory, as freely, as sovereignty, and absolutely as any his Majestyes royall progenitors, or predecessors, Kings of England or Scotland, might have done, at any time heretofore, and to all other intents and purposes, in as ample manner, as if noe such act had ever beene thought of or conceived. And forasmuch as the severall jurisdictions and administrations of justice, in either realme, may be abused by malefactors, for their owne impunity, if they shall committ any offence in the one realme, and after remove their person and abode into the other. It is agreed to bee propounded, as aforesaid, that there may be some fitt course advised of, by the wisdom of the parlyaments, for tryall and proceeding against the persons of offenders, remaining in the one realme; for and concerning the crimes and facts committed in the other realme; and yet, neverthelesse, that it may be lawful for the justice of the realme, where the fact is committed, to demand the offender, soe remaining in the other realme, to be
answer

answerable unto justice in the same realme, where the said fact was committed; and that upon such demand made, the offender shall be accordingly remanded, and all further proceeding (if any be) in the other realme, shall surcease, soe that it may be done, without prejudice to his Majestye, or other lords in their escheats or forfeitures; which provision, neverthelesse, is not thought necessary to be made for all criminal offences, but in speciall cases onely, as namely, in the cases of wilfull murther, falsifying of moneys, and forging of deeds, instruments; and writings, and such other like cases as, upon further advise, in the said parliaments, may be thought fitt to be added.

Particular
cases for which
the foregoing
article pro-
vides.

Subscribed and sealed at Westminster, the the sixth day of December, in the yeare of our Lord, one thousand, six hundred, and fower, by all the Commissioners of both kingdomes, present at the said treaty and conclusion of the forementioned articles.

The date of
the instrument
tripartite.

The Commissioners' names.

T. Ellesmere, <i>Canc.</i>	Montrois <i>D^{us} Canc.</i>
T. Dorset.	Erroll.
Nottingham.	Linlithgow.
H. Southampton.	Jo. Glascow.
Pembroke.	David Ross.
H. Northampton.	George Caithnes.
Ric. London, <i>elec. Cant.</i>	Blantire.
Tobias Duresme.	Glammyer.
Ant. Menevens,	Elphingston.

Cran-

Cranborne.	Fyvy.
E. Zouch.	Roxburghe.
Wm. Mounteagle.	Abercorne.
Ra. Ewer.	J. Balmerino.
E. Sheffielde.	Scone.
Ro. Buckhurst.	Robert Melville.
Francis Hastings.	Scrimgeor of Dudop.
J. Stanhope.	F. Cockburne.
J. Herbert.	S. Home.
E. Stafford.	Carnagy Keynard.
Henry Nevill	J. Balcomir.
Ric. Bulkeley.	Thomas Hamilton.
Henry Billingsley.	Lawrestowne.
Daniel Dun.	S. J. Skene.
Robert Wroth.	J. Sharpe.
Tho. Chaloner.	T. Craig.
Robert Mansell.	George Bruce.
Tho. Rigdeway.	Alexander Rutherford.
Tho. Holcroft.	Alexander Wedderburne.
Tho. Hesker.	(28)
Lawr. Tanfield.	
F. Bacon.	
Henry Hobarte.	
Jos. Bennet.	
Henry Widrington.	
Ra. Gray.	
Tho. Lake.	
Robert Askwithe.	
Thomas James.	
H. Chapman. (39)	

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XVI.

COPIE of his MAJESTY'S LETTER to the Ld
Viscount CRANBORNE, concerning the
Union.

My little Beagle,

Now that, God be praised, this session of the Commissioners hath had so happie a successe, to the ende that the commissioners of England, and by them the whole people of England, may discern the true difference betweene a craftie tirant, and a just king, I will now, after the conclusion of this poynt of the naturalizac̃on, open my mynde freelier therein, then ever I would have done before it had bin agreed upon; whereas a tirant would but have given faire wordes till he had gotten his turne done, and then but have kept his promise, as he had thought convenient—First, therefore, I protest, in God's presence, never Scottishman did, either directlie or indirectlie, make suite to me for any such preferment as is referred in your act; and whether they ever had, or not, God is my judge. I was ever rooted in that firme resolũcon, never to have placed Scottishman in any such roome, till first tyme had begone to weare awaie that opynion of different nations; and secondlie, that this jealous apprehension of
the

the union had been worne away; and thirdlie, that Scottisshmen had bin brought up here, at the foote of Gamaliell. And when all this were done, I would ever, all my life, preferr an Englishman to a Scottisshman, for any such place, *cæteris paribus*; and would ever wishe my successors, after me, to do the like, as my booke to my sonne bears witness.—Nay, though I knew a Scottisshman, for a miracle, that were more capable for any such place, than any Englishman in England, yet shall I never be that greedie of Scottisshmen's preferment, as to preferr any, by whome occasion might be given of the least discontentment to the people heere. I am not ignorant, nor voide of meanes anow, to shew my thankfulness to my subjects of Scotland, without any such preferments; and therefore, after that in my name, you have given my most hartie thanks to all your fellow commissioners, for their tender and reverent regard for the preservãcon of my prerogative, and for the loving affection they have shewn to that nation, whome amongst I was borne, whereof by their proceeding now, they have given a most cleare demonstracon, lett them hereby be informed, that I was moved upon two regards to wishe the act to be as generallie and favourablie conseaved, as I must confesse now it is. First, that in my owne nature, I ever love to be as little bound by any conditions as can be, and loves ever to promise farrelie, and performe fullie; and next, that Scotland may see, that I ever reserve to myself, that fulness of power to bestow such degrees of favor upon them, as they shall be able, from tyme to tyme, to deserve. And thus having freely
discharged

discharged my mynde of the burthen of my
thoughtes in this poynt, I am hartelie contented,
that not onelie you reade this letter in the pub-
lique audience of all the commissioners, but that
also, it be reserved, in the register of your actions,
for a perpetuall memorie, as well of my honest
sinceritie, as of my thankfulness towards you, as
well for the expressing of your dutifull regarde
towards me, as of your loving affections towards
my Scottish subjects, now your countrymen. And
thus I bidd you hartelie farewell.

(Signed) JAMES R.

Jan. 10th. 1799.
Exd J. Bruce.

APPENDIX, No. XVII.

EXPLANATION, or the KING's last Speech to
the Parliament.

The proposition which I now make, concerninge the union, so farre as nowe I craved to be assented unto at this parliament, is noe further, but a particuler explanac^on of a part of my speeche, which I used to the whole parliament, about the matter of the union, which being twice repeated by me in the parliament house, and then after printed, and publiquely sett out to the viewe of all the worlde, was (as I am informed) so well accepted and applauded by all, as I may the lesse doubt to make the particuler proposition in the owne tyme hereafter.

The substance of the thing which I nowe crave to be done, consistethe only in twoe points. First, that by a bill or act, framed in this parliament, it may be enfused in all the peoples hartes, that as it is already sett downe in the recognition of my just possession of the crownes, of both the famous ancient and honorable nations of England and Scotland, dwelling within the Ile, and onely compassed by the ocean, are nowe, by the great blessinge of God, and to the perpetual weale of both
the

the nations, united under one allegiance and loyall subjection, in mee & my person, and my posteritie for ever, and that thereby the strength, which accreased unto me and myne, and to the weale and strengtheninge of the subjects of both countries, may be rightlie conceived, and clearly understood by all men.

The second point is, that altho' it be not my meaning, neither at this tyme, nor ever hereafter, to alter or innovate the fundamentall lawes, privileges, and good customes of this kingdome, whereby not onely theking's princely authoritye is concerned, and the peoples (both in generall and particuler) securitie of their landes, living, and privileges, is maintained unto them, yet that it is fitt and convenient, for the nourishinge and increasinge of the mutuall use among the members and two halfs (as it were) of the bodye, that all sorts of perticuler, temporary, or indifferent manners of statutes and customes may be agreed upon, and welld in one, as they are all one body, under one heade; and therefore that com'issioners may be appointed by the parliament, auctorized to conferr and consult with such Scottish com'issioners, as shalbe selected to meet with them, for the making of the frame to this effect, to be prepounded to the next twoe parliaments of England and Scotland, that thereby, and by the happy conclusion in the twoe next parliaments, not onely all questions and unhappy rubbs (wch~ may hereafter, at any time, be unluckily cast in) may then be decided and put to as quiett ende, but all other meanes may
also

also be then used, for the increasing the mutuall love, quenchinge of all sparkes of old debate, and confirminge them among themselves, to that uniformitie of manners and customes, wch by God his providence, in apparent sight of all the worlde, hathe begun, and by the fynishinge whereof, the true meaning of that acknowledgement, in my recognition, may be performed and accomplished.

As for the bill which, to this effect, I did frame, it would never have proceeded of me to have so farre overweened myself of the lawes and customes here, as to have straightly thereby prescribed to the parliament, what words they should presifely use in that purpose; but being humbly requested by Francis Bacon (then mouth of that part of the house which came to me) that, for the supply of his memorie, I would forthe sett downe the substance of that part of my speeche, then publicely uttered to the Lower House, I was contented to indict to him, as it hath byn often read in your open audience. But I am so farre from being wedded to any opinions of myne in the form thereof, as whatsoever words may be founde by the parliament, by their com̃ittees, or judges of the land (whose opinions I will ever reverence and honor in their owne elements) which are conteyned within my last project, whiche may be found to be contrary or derogatorie to the provisoes or explanations, of my meaninge therein sett downe, I am hartilie well contented, that by the advise of the same judges, they may be cleared, garded by contentions, changed, innovated, or utterly scraped out, as may best agree with the substance of my meaninge, and eschewe any inherent contradic̃con,
which

which may be left lurking within the said bill or act of parliament to be made, and especially, because I heare greatest doubts and questions made, that the assuminge the worde and title Bretany, by act of parliament, before the accomplishment of theis particulars, may imply any secret or tacite derogation to the rest of the particuler conditions, included in the same bill, althoughe my incertinge of the particuler name, nowe, was onelye for the better furtherance of the groundes which are here before rehearsed. Yett am I so farre from allowinge or permittinge any tacite contradiction or obscuritie in that matter, which I by all meanes presse to have so cleere and evident, as I will not only (yf the truthe be on that side) be content of the omission of that name, for thys tyme, but thinke and ever esteeme, that I have great cause to thanke and accompt well of the learned judges, and other wyse men, whoesoever, that by theis meanes will preserve from being the cause from makeing any implicite contradiccon to myne owne meaninge, to be conteyned within myne owne lawe, which could not be willingly done by me, with - - - - - to myne honor pretendinge and purposinge another, and to the greate harme of - - - - of both the realmes. Bat this to be understood, that if on the other side - - - - - but doubts cast in, by the curious carpeinge of some wrestinge and misinterpretinge the lawe, against the true meaninge thereof, that then, and in that case, as I am bounde in honor to my formerly sett downe words, so all the good loyall subjects of both the houses will concurre in assistinge me, not to be over ruled by wilfulnes, where I cannot be convicted by reason.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX No. XVIII.

A SPEECH vsed by Sir FRANCIS BACON, in the Lower House of Parliament, quinto JACOBI, concerning the Article of Naturalization of the SCOTTISH NATION.

It may please you (Master Speaker) preface will I use none, but put my selfe upon your good opinions, to which I have beene accustomed beyond my deservings, neither will I hold you in suspence, what way I will chuse, but now at the first declare my selfe, that I meane to counsell the House to Naturalize this Nation, wherein nevertheless I have a request to make unto you, which is of more efficacy to the purpose I have in hand, than all that I shall say afterwards: And it is the same request, which *Demosthenes* did more then once, in great causes of estate, make to the people of *Athens*, That when they took into their hands the Balls, whereby to give their voices (according as the manner of them was) they would raise their thoughts, and lay aside those considerations, which their private vacations and degrees might minister and represent unto them, and would take upon them, cogitations and minds agreeable to the dignity and honour of the estate.

For

For (Master Speaker) as it was aptly and sharply said by *Alexander* to *Parmenio*, when upon their recitall of the great offers which *Darius* made, *Parmenio* said unto him, I would accept these offers, were I as *Alexander*, hee turned it upon him againe, so would I (saith hee) were I as *Parmenio*, so in this cause: if an honest *English* Merchant (I doe not single out that State in disgrace, for this Island ever held it honourable, but only for an instance of a private profession) if an *English* Merchant should say, surely I would proceed no further in the union, were I as the King, it might bee reasonably answered, no more would the King, were he as an *English* Merchant; and the like may be said of a Gentleman in the Country, bee he never so worthy or sufficient, or of a Lawyer be hee never so wise or learned, or of any other particular condition in this Kingdome, for certainly (Master Speaker) if a man shall be only or chiefly sensible of those respects which his particular affection, and degree shall suggest, and infuse into him, and not enter into true and worthy considerations of estate, he shall never be able aright to give counsell, or take counsell in this matter, for that if this request be granted, I account the cause obtained.

But to proceed to the matter it self; all consultations do rest upon questions comparative, for when a question is *de vero*, it is simple, for there is but one truth, but when a question is *de bono*, it is for the most part comparative, for there be differing degrees of good and evill, and the best of the good is to be preferred and chosen, and the worst

worst of the evill is to be declined and avoyded, and therefore in questions of this nature, you may not looke for answer, proper to every inconvenience alleaged, for somewhat that cannot be specially answered, may neverthelesse be encountred, and overweighed by matter of greater moment, and therefore, for the matter which I shall set forth unto you, will naturally receive the distribution of three parts.

The answer to the inconveniences objected, co'cerning the Naturalization.

First, an answer to these inconveniences which have beene alleaged to ensue, if wee should give way to this Naturalization, which I suppose you will not finde to bee, which I suppose will not be so great, as they have bin made, but that much drosse is put into the ballance, to help to make weight.

Secondly, an encounter against the remaynder of these inconveniences, which cannot properly be answered, by much greater inconveniences, which wee shall incurre, if wee doe not proceed to this Naturalization.

Thirdly, an encounter likewise, but of another nature, that is by the gaine and benefit, which wee shall draw and purchase to our selves by proceeding to this Naturalization. And yet to avoid confusion, which ever followeth of too much generality, it is necessary for me (before I proceed to perswasion) to use some distribution of the points or parts of Naturalization, which certainly can be no better, or none other, than the ancient distinction of *jus Civitatis*, *jus suffragii vel tribus*,

tribus, Jus Petitionis five honoris: for all ability and capacitie is either of private interest, of *Meum & Tuum*, or of publike service, and the publike consisteth chiefly either in voice or in office, now it is the first of these (Master Speaker) that I will only handle at this time, and in this place, and referre the other two for a Committee, because they receive more distinction and restriction.

To come to the inconveniences alleaged on the other part, the first of them is, that their may ensue of this Naturalization, a furcharge of people upon this Realm of *England*, which is supposed already, to have the full charge and contentment, and therefore there cannot be an admission of the adoptive, without a dismission of the former times, and conditions of all those, that are native subjects of this Realm. A grave objection, (Master Speaker) and very dutifull, for it proceeds not, of any unkindnesse to the *Scottish* Nation, but of a naturall fastnesse to our selves, for that answer of the Virgins, *Ne forte non sufficiat vobis & nobis*, proceeds not out of any envy, or maligne humour, but out of providence, and the orignall charity, which begins with our selves, and I must confesse (M. Speaker) that as the Gentleman said, when *Abraham* and *Lot*, in regard of the greatnesse of their Families, grew pent, and straitned, It is true, that though they were brethren, they grew to difference, and to those words, *Vade tu ad dexteram, & ego ad sinistram*; But, certainly, I should never have brought that example on that side, for wee see what followed of it, how this separation *ad dextram & ad sinistram*, Caused the miserable captivity

tivity of the one brother, and the dangerous though prosperous war of the other, for his rescue and recovery.

But to this objection, (Master Speaker) being so weighty, and so principall, I meane to give three severall answers, every one of them being to my understanding by it selfe sufficient.

The opinion of
the number of
the Scottish
Nation.

The first is, that the opinion, of the number of the *Scottish* Nation, that should be likely to plant themselves here amongst us, will bee found to bee a thing, rather in conceit than in event, for (Master Speaker) you shall finde these plausible similitudes of a tree, that will thrive the better, if it bee remooved into the more fruitfull soile, and of sheepe or cattell, that if they finde a gap or passage open, will leave the more barren pasture, and get into the more rich and plentifull, to be but arguments meerely superficiall, and to have no sound resemblance, with the transplanting or transferring of families, for the tree we know by nature, as soone as it is set in the better ground, can fasten upon it, and take nutriment from it, and a sheepe as soone as he gets into the better pasture, what should let him to graze or feed, But there belongeth more I take it, to a family or particular person, that shall remove from one Nation to another, for if (Master Speaker) they have not stock, meanes, acquaintance, and custome, habitation, trades, countenance, and the like, I hope you doubt not, but they will starve in the midst of the rich pasture, and are farre enough from grazing at their pleasure, and there-
fore

fore in this point, which is conjecturall, experience is the best guide for the time past, is a pattern of the time to come, I think no man doubteth (Master Speaker) but his Majesties first coming in, was the greatest spring-tide for the confluence, and entrance of that Nation.

Conjecturall
experience.

Now I would fain understand, in these four yeeres space, and the fulnesse, and strength of the Court and Tide, how many families of the Scotch men, are planted in the Cities, Burroughs and Townes of this Kingdom, for I doe assure my selfe, then more then some persons of quality, about his Majesties person heere at Court and in *London*, and some other inferiour persons, that have a dependance upon them, the returne and certificate, if such a Survey should bee made, would be of a number extreamely small, I report mee to all your private knowledges of the places where you inhabite.

Now (Master Speaker) as I said, *Si in ligno viridi ita fit, quid fiet in arido*, I am sure there will be no more such spring tides; but you will tell me of a multitude of families of the *Scottish* nation in *Polonia*, and if they multiply in a Countrey so farre, how much more at hand, for that (Master Speaker) you must impute it of necessity to some speciall accident of time and place that draws the^r thether: for you see plainly before your eys, that in *Geneva*, which is much neerer, where in *France* they are invited with priviledges, and with the very priviledge of naturalization, yet no such number can bee found, so as it can-

not either bee neerenes of place, or priviledge of person that is the cause. But shall I tell you (Master Speaker) what I thinke; In all the places of the world, neere or farre of, they will never take that course of life in this Kingdome, which they content themselves with in *Poland*, for we see it to bee the nature of all men that will rather discover poverty abroad than at home; There is never a gentleman, that hath over reached himself in expences, and thereby must abate his countenance, but hee will rather travell, and doe it abroad then at home, and we know well they have good high stomacks, and have ever stood in some tearmes of emulation, and therefore they will never live heere except they can live in good fashion, so as I assure you (Master Speaker) I am of opinion, that the first which we now have, to admit them, will have like as that contention had between the Nobility and people of *Rome*, for admitting of a *Plebean* Common-wealth, whilst it was in passage it was very vehement, and mightily stood upon, and when the people had obtained it, they never made any *Plebean Consul*, not in 60 yeers after, and so will this be, for many yeers, as I am perswaded, rather a matter in opinion and reputation, then in effect, and this is the first answer, that I give to this main inconvenience pretended of surcharge of people.

England not
peopled to the
full.

The second answer, which I give to this objection is this, I must have leave to doubt (Master Speaker) that this Realme of *England* is not peopled to the full, for certain it is, that the territories of *France*, *Italy*, *Flanders*, and some part

part of *Germany*, doe in equall space of ground, beare and containe, a farre greater quantity of people, if they were mustered by the Poll, neither can I see, that this Kingdome is so much inferiour, unto those forrain parts in fruitfulnessse, as it is in population, which makes mee conceive wee have not our full charge; besides I do see manifestly amongst us, the badges and tokens, rather of scarcenesse, then of presse of people, as drowned grounds, Commons, Wastes, and the like, which is a plain demonstration, that howsoever there may be an overswelling throng and presse of people, here about *London*, which is most in our eie, yet the body of the Kingdome is but thin sowne with people, and whosoever shal compare the ruines and decayes of ancient Towns in this Realme, with the erectments and augmentations of new, cannot but judge that this Realme hath been farre better peopled in former times, it may be in the *Heptarchy*, or otherwise generally the rule holdeth, The smaller the State the greater the population *Pro rato*, And whether this be true or no, we neede not seeke further, then to call to our remembrance, how many of us serue heere in this place, for desolate and decayed Burroughs.

Againe, (Master Speaker) whosoever looketh into the principle of estate, must hold, that it is the *Mediterrane* Countries, and not the Maritime which need to feare surcharge of people, for all sea provinces, and especially Islands, have an other element besides the earth and soile, for their sustentation, what an infinite of people are, and may bee sustained by fishing, carriage by sea, and merchandizing,

Mediterrane,
not Maritime
Countries
surcharged
with people.

chandizing, wherein I doe again discover, that wee are not all prickt by the multiude of people, for if we were, it were not possible, wee should relinquish, and resigne, such an infinite benefit of fishing, to the Flemming, as it is well knowne wee do, and therefore I see, that wee have waits by Sea, as well as by land, which still is an infallible argument that our industry is not awakened, to seeke maintenance to any our great charge or presse of people. And lastly, (Master Speaker) there was never any Kingdome in this World, had I think, so faire and happy means to issue and discharge the multitude of their people, as this Kingdome hath, in regard of that desolate and wasted Kingdome of *Ireland*, which being a countrey blessed with all most all the dowryes of nature, as Rivers, Havens, Woods, Quarryes, good Soile, and temperate climate, and now at last blest under his Majesty also with obedience, doth, as it were, continually call unto us, for our Colonies and Plantations, and so I conclude my second answer, to this pretended inconvenience of surcharge of people.

The third answer (Maister Speaker) which I give is this, I demande what is the worst effect that can follow of your surcharge of people, look into it and you shall finde it none other, than some honourable warre, for the enlargement of their borders, which finde themselves pent, upon forraine parts, with inconveniencies, which in a warlike Nation, I know not whether I should tearme an inconvenience or noe, for the saying is most true, though in another sense, *Omne solum forti patria.*

patria. It was spoken of the patience of an exiled man, but it is no lesse true in the valour of a warlike Nation, and certainly (Master Speaker) I hope I may speake it without offence, that whensoever we should hold our selves worthy, and whensoever just cause should bee given, either to recover our ancient rights, or to revenge our late wrongs, or to attaine the honour of our ancestors, or to enlarge the patrimony of our posterities, wee would never in this manner forget the considerations of amplitude and greatnesse, and fall at variance about profit and reckonings, fitter a great deale for private persons, then for Parliaments, and Kingdomes, and thus (Master Speaker) I leave this first objection, to such satisfactions as you have heard of.

The second objection is, that the fundamentall lawes of these Kingdomes, of *England* and *Scotland*, are yet diverse and severall, nay more that it is declared by the instrument, that they shall so continue; and that there is no intent in his Majesty to make innovation in them, and therefore that it should not bee seasonable, to proceed to this Naturalization, whereby to endow them with our Rights and Privileges, except they should likewise receive, and submit themselves to our lawes, and this objection likewise (Master Speaker) I allow to be a weighty objection and worthy to be well answered, and discussed.

The fundamentall Lawes of *England* & *Scotland* are divers and severall.

The answer which I shall offer is this, It is true for mine owne part (Master Speaker) that I with the *Scottish* Nation governed by our Lawes,

The answer to the second objection.

for

for I hold our lawes, with some reducement, worthy to govern, as it were the World, but this is that which I say, and I desire therein your attention, That according to true reason of estate, Naturalization is in order first and precedent to union of Lawes, and in nature seperable, and in degree a lesse matter, and not inseperable from union of Laws, for Naturalization doth but take out the marks of a Forreiner, but union of Lawes makes them entirely as our selves, Naturalization taketh away separation, but union of lawes doth take away distinction, doe wee not see (Master Speaker) that in the administration of the World, under the great Monarch God himselfe that his Laws are diverse, one Law in spirits, another in bodies, one Law in Regions celestially, another in Elementary, and yet the Creatures are all one masse or lump, without any vacuum or separation, doe wee not likewise see, in the state of the Church, that amongst all people, of all languages, and Linages, there is communion of Saints, and that wee are all fellow Citizens, and Naturalizants of the heavenly Jerusalem, And yet neer the lesse, divers Ecclesiasticall Laws, Policies and Heirarchies, according to the speech of that worthy Father, *In veste varietas fit, scissura non fit*, and these certainly (Master Speaker) as they are the bonds of love, they are the more speciall and private bond, and the bond of Naturalization, the more common and generall, for the lawes are rather *Figura Reipublica*, then *forma*, and rather Bonds of perfection, then Bonds of entirenesse, and therefore we see in the experience of our own government, that in the Kingdome of *Ireland*, all our Statutes and Laws,
since

since *Poynings* Laws, are not in force, and yet we deny them not the benefit of Naturalization, in *Gersey* and *Jernesey* and the Isle of *Man*, our common Lawes are not in force, and yet they have the benefit of Naturalization, neither need any man doubt, but that our Lawes and Customes must in small time gather and win upon theirs, for here is the seate of the Kingdome, whence come the supreme directions of estate, here is the King's person and example of which the verse saith,

Regis ad exemplum, totus componitur orbis.

And therefore it is not possible, although not by solemne and formal acts of estates, yet by the secret operation of no long time, but they will come under the yoake of our laws, and so *Dulcis tractus pari jugo*, and this is the answer I give to the second objection.

The third objection, is some inequallity, in the fortunes of these two Nations, *England* and *Scotland*, by the commixture whereof, there may ensue advantage to them, and losse to us, wherein (M. Speaker) it is well that this difference or disparity consisteth, but in the external goods of fortune, for indeed it must bee confessed, that for the goods of the minde and body they are *alteri nos*, or our selves, for to doe them but right, wee know in their capacities and understandings, they are a people ingenious, in labour industrious, in courage valiant, in body hard, active, and comely, more might be said, but in commending them, we doe but in effect, commend our selves, for they

Inequality in the fortunes, betweene *England* and *Scotland*.

are of one part, and continent with us, and the truth is, wee are participant, both of their vertue, and vices, for if they have beene noted, to be a people not soe tractable in government, we cannot without flattering our selves, free our selves altogether from that fault, being indeed incident to all martiall people, as wee see it evident by the example of the Romans, and others, even like unto fierce horses, that though they be of better service then others, yet are they harder to guide and manage.

But for this objection (Master Speaker) I purpose to answer it, not by the authority of Scriptures, which saith, *Beatius est dare quam accipere*, But an authority, framed and derived from the judgment of our selves, and our ancestors in the same case; as to the point, for (Master Speaker) in all the lives of our Kings, none useth to carry greater commendation then his Majesties noble progenitor King *Edward* the first of that name, and amongst his other commendations, both of warre and policie, none is more celebrated, then his purpose and enterprize, for that conquest of *Scotland*, as not bending his designs, to glorious acquests abroad, but to solid strength at home, which neverthelesse if it had succeeded, could not but have brought in all these inconveniences, of the commixture of a more opulent Kingdome, with a lesse, that are now alledged, for it is not the yoake, either of our lawes or armes, that can alter the nature of the Climate, or the nature of the soil, neither is it the manner of the Commixture, that can alter the nature of Commixture, and therefore (Master Speaker) if it were good for us then,
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Laws nor
Arms cannot
alter the na-
ture of climats.

it is good for us now, and not to be prized the lesser, because we payed not so deare for it. But a more full objection, I refer over to that, which will come after, to bee spoken touching surety, and greatnesse.

The fourth Objection (Master Speaker) is not properly an objection but rather a preoccupation of an objection of the other side, for it may bee said and very materially, whereabouts wee doe contend, the benefit of Naturalization is by the Law, in as many as have beene, or shall bee borne, since his Majesties comming to the Crown, already settled and invested, there is no more then, but to bring the *Ante-nati*, into the degree of the *Post-nati*, that men grown, that have well deserved, may bee in no worse case, then children which have not deserved, and elder brothers in no worse case, then younger brothers, so as wee stand upon *quiddam non quantum*, being but a little difference of time, of one generation from an other, to this (M. Speaker) it is said by some, that the Law is not so, but that the *Post-nati* are aliens as the rest. A pointe, that I mean not much to argue, both because it hath been well spoken, by the gentleman that spoke last before mee, and because I doe desire in this case, and in this place, to speak rather of Conveniencie, then of Law, only this I will say, that, that opinion seems to mee contrary to opinion of Law, and contrary to Authority, and experience of Law; for reason of Law, when I meditate of it, my thinks the wisdom of the Common Lawes of *England* well observed, is admirable in the distribution of the

p 2

benefit

benefit and protection of the Laws, according to the severall conditions of persons in an excellent proportion, the degrees are foure, but bipartite; two of Aliens, and two of Subjects.

The first degree of an alien.

The first degree is of an alien borne under a King, or State, that is enemy, if such an one come into this Kingdom without safe conduct, it is at his perrill, the law giveth him no protection neither for Body, Lands, nor Goods, so as if hee be slaine, there is no remedy by any appeale at the parties suit, although the party were an *English* woman, marry at the Kings suit, the case may bee otherwise in regard of the offence, to the peace, and Crown.

The second degree of an alien born under a State, that is Friend.

The second degree is of an alien that is born under the faith and alleigance of a King or state, that is a friend, unto such a person, the Law doth imparte a great benefit and protection that is concerning things personall, transitory and moveable, as goods and chattells, contracts and the like, but not concerning freehold and inheritance, and the reason is because hee may be an enemy, though he be not; for the State, under the obeysance of which hee is, may enter into quarrell, and hostility, and therefore as the Law, hath but a transitory assurance of him, so it rewards him, but with transitory benefits.

The third degree of an alien subject.

The third degree is of a subject who having beene an alien is by charter and denisation, to such an one, the law doth imparte, yet a more ample benefit, for it gives him power to purchase freehold

hold and inheritance to his owne use, and likewise to enable those Children, borne after his denization to inherit, but neverthelesse hee cannot make title, or convey pedigree from any ancestors peramound, for the law thinks not good to make him in the same degree, with a subject born, because hee was once an alien, and so might once have beene an enemy, *Et nemo subito fingitur*, affections cannot be settled by any benefit, as when from their Nativity, they are imbred, and inherent.

And the fourth degree, which is the perfect degree, is of such a person, as neither is enemy, nor can be enemy in time to come, nor would have beene enemy in time past, nor can bee enemy in time to come, therefore the Law gives unto him the full benefit of Naturalization.

The fourth degree, the perfect degree.

Now (Master Speaker) if these be true steps and paces of the Law, no man can deny, but whosoever is borne under the Kings obedience never could *in aliquo puncto temporis* bee an enemy, and therefore in reason of Law, is natural. Nay, contrariwise, he is bound *Jure nativitatis* to defend this Kingdome of *England*, against all Innovators and Rebels, and therefore, as hee is obliged to the protection of Aliens, and that perpetually, and universally, so he is to have that perpetuall and universall benefit and protection of lawes, which is Naturalization.

For forme of pleading, it is true, that hath beene said, that if a man, would pleade an other to be an alien, he must not only set forth negatively,

tively, and primitively, that hee was born out of the obedience of our Soveraine Lord the King, but affirmatively, under the obediense of a forraine King, or state, in particular, which never can bee done in this case.

As for authority, I will not presse it, you know all what hath been published by the Kings Proclamation, and for experience of Lawes, wee see it in the subjects of *Ireland*, in the Subjects of *Gernsey*, and *Iernesey*, parcels of the Duchy of *Normandy*, in the Subjects of *Callis*, when it was *English*, which was parcel of the Crowne of *France*. But as I said, I am not willing to enter into an argument of Law, but to hold my selfe to point of conveniencie, so as for my part, I hold all, *Naturales ipso jure*. But yet I am farr from opinion, that it should be a thing superfluous to have it done by.

Chiefely in respect of that true principall of State, *Principum actiones ad famam sunt Componenda*, It will lift up a signe to all the World, of our Loves towards them, and good agreement with them, and these are (Mr. Speaker) the materiall objections, which have beene on the other side, whereunto you have heard my answeres, weigh them in your wisdomes, and so I conclude that generall part.

Now (Master Speaker) according as I promised, I must fill the other ballance, in expressing unto you the inconveniences, which wee shall incur, if we shall not proceed to this Naturalization, wherein

wherein that convenience above all others, and alone by it selfe; if there were none other, doth exceedingly moove mee, and may moove you, is a position of estate, collected out of the Records of time, which is this, That whatsoever severall Kingdomes or Estates, have bene united in Sovereignty, if that union hath not bene fortified, and bound in with a further union, and namely, that which is now in question (of Naturalization) this hath followed, that at one time or other, they have broken, being upon all occasions apt to relaps and revolt to the former Seperation.

Of this assertion, The first example which I will set before you, is of the memorable Union, which was betweene the Romans and the Latins, which continued from the Battell, at the Lake of *Regilla*, for many yeeres unto the Consulship.

The union between the Romans and the Latins.

At what time, their began about this very point of Naturalization, that warr which was called *Bellum Sociale*, being the most bloody and pernicious warre, that ever the Romane State endured, wherein, after numbers of battles, and infinite sieges and surprises of Towns, the Romanes in the end prevailed, and mastered the Latins, and ever as they held the honour of the warre, so looking back into what perdition and confusion they were near to have bene brought, they presently naturalized them all, you speake of a naturalization in blood, there was a naturalization indeed in blood.

Let me set before you againe, the example
of

Sparta and Peneloponefus.

of *Sparta* and the rest of the *Peneloponefus* their associates. The State of *Sparta* was a nice and jealous state of this point of imparting naturalization to their confederates, But what was the issue of it, after they held them in a kind of society and amity for divers yeers, upon the first occasiō given, which was no more then the surprisall of the Castle of *Thebes*, by certaine desperate conspirators in the habit of Masters, there ensued immediately a general revolt & defection of their associates, which was the ruine of their State, never afterwards to be recovered.

The Union of the Kingdome of *Arragon*.

Of latter times, Let me lead your considerations, to behold the like events in the Kingdom of *Arragon*, which Kingdom was united with *Castile*, and the rest of *Spain*, in the persons of *Ferdinando*, and *Isabella*, and so continued many years, but yet so as it stood a Kingdome, severed and devided from the rest of *Spaine* in priviledges, and directly in this point of Naturalization, or capacity of inheritance, what came of this, Thus much, that now of fresh memory, not past twelve yeeres since, onely upon the voice of a condemned man, out of the grate of a prison, towards the streete, that cried which is as much as Liberties or Priviledges, there was raised a dangerous rebellion, which was suppressed with difficulty, with an army Royall, and their priviledges disannulled, and they incorporated, with the rest of *Spaine*, upon so small a sparke, notwithstanding so long continuance, were ready to break, and sever again.

The

The like may be said of the State of *Florence*, Florence and Pisa. and *Pisa*, which City of *Pisa* being united unto *Florence*, but not endued with the benefit of Naturalization, upon the first sight of forraine assistance, by the expedition of *Charles* the 8th. of *France* into *Italy*, did revolte, though it bee since Charles the Eighth. againe reunited, and incorporated.

The same effect wee see in the most barbarous Government, which shewes it the rather to be an effect of nature, for it was thought a fit policy by the councill of *Constantinople*, to retaine the Provinces of *Transylvania*, *Valachia*, and *Moldavia*, which were as the nurses of *Constantinople*, in respect of their provisions, to the end they might bee the lesse wasted, onely under *Vayvods*, as Vassals and *Homagers*, and not under *Bashaws*, as Provinces of the *Turkish* Empire, wch policy we see by late experience proved unfortunate, as appeared by the revolt of the same three Provinces, under the Armies & Conduct of *Sigismond* Prince of *Transylvania*, a leader very famous for a time, which revolt is not yet fully recovered, whereas we seldome or never hear of revolts of Provinces incorporate to the *Turkish* Empire. The like effects in barbarous governments.

On the other part (Master Speaker) because it is true, which the Logicians say, *Opposita juxta se posita magis*, Let us take a view, and wee shall find that wheresoever Kingdomes and States have beene united, and that union incorroberate, by the bond of Naturalization mutually, you shall never observe them afterwards, upon any occasion of trouble or otherwise, to breake, and sever againe, Naturalization a sure bond.

as wee see most evidently before our eies, in our Provinces of *France*, that is to say, *Guyen, Province, Normandy, Britain*, which notwithstanding the infinite infesting troubles of that Kingdome, never offered to breake again.

*England never
severed after
once united.*

We see the like effect, in all the Kingdomes of *Spaine*, which are mutually Naturalized, as *Leon, Castile, Valentia, Andaluzia, Granada*, and the rest, except *Arragon*, which held the contrary course, and therefore had the contrary successe, as it was said of *Portugall*, of which there is not yet sufficient triall, and lastly wee see the like effect, in our own Nation, which never rent asunder, after it was united, so as wee now scarce know, whether the Heptarchy were a Story or a Fable, and therefore (Master Speaker) when I revolve with my selfe, these examples and others, so lively expressing the necessity of a Naturalization, to avoid a relaps into a seperation, and doe heere see many arguments and scruples, on the other side, it makes mee think on the old Bishop, which upon a publique disputation of certaine Christian Divines, with some learned men of the heathen; did extreamely presse to be heard, and they were loath to suffer him, because they knew hee was unlearned, though otherwise an holy, and well meaning man, But at last, with much adoe, hee got to be heard, and when hee came to speake, in stead of using Argument, he did only say over his belief, but did it with such assurance and constancy, that it did strike the minds of those that heard him, more then any Argument had done, and so (Master Speaker) against all these wittie and subtile Arguments, I
say

say, I doe believe, and I would bee sorry to bee found a prophet in it, that except we proceed with this Naturalization, though not perhaps in his Majesties time, who hath such interest in both nations, yet in the meane time of his Descendants, these realms will bee in continuall danger, to divide and breake again, now if any man bee of that carelesse minde, *Maneat mors ea, ea cura nepotes.*

Or of that harde minde to leave things to be tried by the sharpest sword, sure I am, hee is not of Saint *Pauls* opinion, who affirmeth, that whosoever useth not fore-sight and provision for his family, is worse than an unbeliever, much more, if wee shall not use fore-sight, for these two Kingdomes, that comprehend in them so many families, but leave things open to the perill of future divisions, and thus have I expressed unto you, what inconveniencies, of all others sinke deepest with mee, as the most weighty, neither doth their want other inconveniences (Master Speaker) the effects and influence whereof, I feare will not bee adjourned to so long a day, as this that I have spoken of, But I leave it to your considerations, and wisdomes, to consider, whether you doe not thinke, in case by the deniall of this Naturalization, any Pike, alienation, or unkindnesse, I doe not say should bee, but should be thought to bee, or noised to bee, betweene these two Nations, whether it will not quicken or exite, all the envious, and malicious humours, wherefoever (which are now covered) against us, either forraine or at home, and so open the way to practice, and other Engines, and machinations,

A binding inconvenience.

to the disturbance of this State. As for that other inconvenience, it is too binding and too pressing to be spoken of, and may do better a great deale in your mindes then in my mouth, or the mouth of any man else, because as I have said, it doth presse our liberty too farre, and therefore (M. Speaker) I come to this third generall part of my division, concerning the benefit which we shall purchase, by knitting this knott, surer and straiter, betweene these two Kingdomes, by the Communicating of Naturalization.

The benefit of
Surety.

The benefits may appeare to be two, the one surety, the other greatnesse, touching surety (Master Speaker) it was well said by *Titus Quintus* the *Romane*, touching the State of *Peloponessus*, that the Tortoise is safe within her shell, *Testudo inter tegumen tuta est*, but if there be any parts that ly open, they endanger all the rest, wee know well, that although the state, at this time, bee in a happy peace, yet for the time past, the more ancient enemy is the *French*, and the more late the *Spaniard*, and both these had as it were, their severall postern gates, whereby they might have approach and enterance, to annoy us, *France* had *Scotland*, and *Spaine* had *Ireland*, for these were but the two accessses which did comfort and encourage both these enemies, to assaile and trouble us, wee see that of *Scotland* is cut off, by the Union of these two kingdomes, if that it shall bee made constant and permanent, that of *Ireland* is cut off likewise by the convenient situation of the North of *Scotland*, towards the North of *Ireland*, where the fore was, which wee see being suddenly closed by the meanes of this salve, so that as now, there are no parts of
the

the State exposed to danger, to bee a temptation to the ambition of Forreiners, but their approches and avenues are taken away, for I doe little doubt but these Forreiners, which had so little successe, when they had those advantages, will have much lesse comfort, now that they bee taken from them, and soe much for surety.

For greatnesse (Master Speaker) I thinke a man may speake it soberly, and without bravery, that this Kingdome of *England*, having *Scotland* united, *Ireland* reduced, the Sea provinces of the low Countries Contracted, and shipping maintained, is one of the greatest Monarchies, in forces, truly esteemed, that hath beene in the World, for certainly the Kingdomes heere on earth, have a resemblance with the Kingdome of Heaven, which our Saviour compareth not to any great Kirnell or nut, but to a very small graine, yet such an one as is apt to grow and spread, and such doe I take to be the Constitution of this Kingdome, if indeed our Countrey bee referred to greatnesse and power, and not quenched too much with the consideration of utility and wealth, for (M. Speaker) was it not, thinke you, a true answer, that *Solon* of *Greece* made to rich King *Croesus* of *Lydia*, when he shewed unto him a great quantity of Gold, that hee had gathered together, in ostentation of his greatnesse and might, but *Solon* said to him, contrary to his expectation, why Sir, if an other come that hath better Iron then you, hee will be Lord of all your Gold; neither is the authority of *Marchiavil* to be despised, who scorneth the proverbe of State, taken first from
a speech

The benefit of
greatnesse.

a speech of *Mucianus*, that monies are the sinewes of wars, and faith, there are no true sinews of wars, but the very Armes of valient men.

The beginning
of Monarchies
founded in
poverty.

Nay more (Master Speaker) whosoever shall look into the seminary, and beginning of the Monarchie of the world, he shall finde them founded in poverty.

Persia, a Countrey barren and poore, in respect of *Media*, whom they reduced.

Macedon.

Macedon a Kingdome ignoble, and mercenary, untill *Phillip* the Sonne of *Amintas*.

Rome.

Rome had poore and pastorall beginning.

The *Turks.*

The *Turks* a band of *Sarmathian Scithes*, that in a vagobond maner made impressiō upon that part of *Asia* which is called *Turcomania*, out of which, after much varieties of fortune, sprung the *Othoman* family, now the terror of the World.

So we know the *Gothes*, *Vandalls*, *Alans*, *Huns*, *Lombards*, *Normans*, and the rest of the Northern people, in one age of the World, made their discent and expedition upon the *Romane* Empire, and came not as rovers to carry away prey & be gone again, but planted themselves in a number of rich and fruitfull Provinces, were not only their generations, but their names remaine to this day, witnesse *Lombardy*, *Catalonia*, a name compounded of *Goth* and *Alan*, *Andaluzia*, a name corrupted from *Vandelitia*, *Hungaria*, *Normandy*, and othesr.

Nay

Nay the fortune of the *Swiffes*, of late yeeres, ^{The *Swiffes*.} which are bred in a barren and mountenous Countrey, is not to bee forgotten, who first ruined the duke of *Burgundy*, the same who had almost ruined the Kingdome of *France*, what time after the battell neere *Granfon*, The rich Jewell of *Burgundy*, prised at many thousands, was sold for a few pence, by a common *Swiffe*, who knew no more what a jewell meant, then did *Esopes* Cock; and againe, the same Nation, in revenge of a scorne, was the ruine of the French Kings affaires in *Italy*, *Lewis* the 12. for that King, when hee was pressed somewhat rudely, by an agent of the *Swiffes*, to raise their pensions, brake into words of choller, (what faith hee) will these villains of the mountain put a taske upon mee, which words lost him his Duchy of *Millain*, and chased him out of *Italy*.

All which examples (Master Speaker) doe well prove *Solons* opinion, of the authority and Majesty that Iron hath over Gold, and therefore if I shall speake unto you mine owne heart, me thinkes we should a little disdaine, that the Nation of *Spain*, which howsoever of late it hath begun to rule, yet of ancient time, served many ages, first under *Carthage*, then under *Rome*, after under *Saracens*, *Goths* and others, should of late yeeres take unto them that Spirit, as to dreame of a monarchy in the West, according to that devise, *vidi Solem Orientem in Occidente*, onely because they have raised, from some wild and unarmed people, Mines and store of Gold, and on the other side, that this Island of *Britain*,
 7 seated

feated and named as it is, and that hath, I make no question, the best Iron in the World, that is the best souldiers of the World, shall thinke of nothing but accompts and audits, and *meum & tuum*, and I canonot tell what.

(Master Speaker) I have I take it, gone through the parts which I propounded to my selfe, wherein if any man shall think, I have sung a *placebo*, for mine owne particular, I would have him know, that I am not so unseene in the world, but that I discerne, it were much alike for my private fortune a *tacebo*, as to sing a *placebo* in this businesse, But I have spoken out of the Fountain of my heart, *Credidi propter quod locutus sum*, I believed, therefore I spake, so as my duty is performed, The Judgement is yours, God direct it for the best.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. XIX.

COLLECTION of RESTRICTIONS proposed by
the LOWER HOUSE, the 6th of March
1606, in point of CONCURRENCY.

The ante-nati and post-nati to be nautralized
alike.

Sir Edwd. Sands.

The reasons { 1. Some of the ante-nati
have deserved better.
2. Some of them, in respect
of their yeares, are able to
deserve better.

The rest of his speech distributed into

1. A caution.
2. A declaration.

The caution was touching the sence of the
word naturalizãcon, a word unusuall in lawe, and
therefore required, that it might be no further ex-
tended, then it was intended by them. The civill
lawe hath degrees of naturalizãcon, but the com-
mon lawe hath not soe.

r

The

The declarãcon begonne with a distinction of union.

1. Imperfect. And union in the head, but distinct in lawes and government, This prop: for this time,
2. Perfect. A growing and consolidacon of two kingdomes under one government and one lawe. This to be wished and desired.

The fault or defect, why the union cannot be soe perfect as were to be desired, is, on the parte of the Scotts, by reason of a restriction or reservãcon made in their act, for preservãcon and contynewance of their fundamentall lawes, and not in our acte.

While theie continewe a distinct bodye from us, it is no reason to communicate all the benefitts of our state.

It may be better to grant a measure only of the benefitts, at this time, then to yeald all at the first, least they haveing a complacence or acquiescence therein, shall not care or be unwilling, hereafter, to proceede to the more perfect union of lawes. And therefore good to keep them in appetite, hoping that when they find, by their owne fault, why there is no more granted, at this time, thy will be the readyer to reforme it hereafter. And this to be taken for a great signe of our love,

Sir

Sir Henry Nevile.

1. Whether it be meete to give naturaliza^{on} to those, that are obliged to an other nation, in treaties of common hostilitie against this kingdome.

Treaties made, not onely betweene the kings, but between the kingdomes and people.

The same obliga^{on} still maynteyned and continewed, because they doe still receive and enjoy the reward and recompence thereof, by their priviledges in France.

The same reward and benefitt improved and increased of late by the K. of France, more then was formerly in use.

The Scottish nobbillity bound to joyne with the K. of France, against anie kings whomsoever, opposite to the K. of France; and to referr the arbytrement to the K. of France, in case of doubtfulness, or question of the succeffion.

Whether the Scotts retayning such liberties and priviledges as they have in France, with so great inequallitie above us there, when we have no such (together with their owne at home) we shall, nevertheles, impart all our benefitts to them.

And therefore to be considered

Whether it be safe for us;

Whether honourable;

Whether equall for benefitts;

r 2

Whether

Whether fitt, in policy, to contract, as it were, marriage with them, before they have renounced their former love.

These things propounded as doubts, which desire to be resolved in them.

Mr. Crew.

The speciall points, wherein naturalization doth consist, recyted.

1. Acquisition of lands ;
2. Communycation of eccleāll benefits
3. Offices of the comōnweath ;
4. Honours and dignyties ;
5. Trade.

What assurance may be made of the maintenance of these reservācons or restriccōns, which shall be thought needfull.

Propounded by him, that a course may be taken for lymittācon, though not of the King's prerogative, yet of the rapacytie of the receyvours of the benefitts ; by example, of the statute of the 13th of Elizabeth.

Sir Roger Owen.

That they shall purchase and inherite ;
But order to be taken,

That they shall not convey away the treasure of this kingdome ; since, by possibilitie of their great possessions, this kingdome may be ym-poverished, and the greater become the lesser.

Sir

Sir Natha. Bacon.

That they be subject to the same taxes and payments as English.

That they be liable to the law and justice of England, as if they were resident here.

Mr. Fran. Moore.

1. Education ;
2. Lands ;
- 3 Mariage.

Concerning Wards, caution to be made for their education of the wards to be in England, if the ward be bestowed on a Scottishman ; because it is convenient, since they shall not be trayned in our lawes and customes, the schoole and semy-narie of this kingdome, to those that shall beare offices in the commonwealth.

That order may be taken to prevent wast ; as in case a Scottishman, a month or some short time before the ward be of yeares, do comitt great wast of goods, and he being abiding in Scotland, shall thereby avoid the danger of lawe for it.

The refusall of a ward's marriage to a Scottish-man or Scottishwoman, shall not be so penall as the lawes makes it for English.

That some convenient order may be taken, for restriccons in the matter of wards ; least by this occasion, the wards should be inticed to
 7 very

very unfitt marriage, which were very inconvenient.

Sir John Bennet.

That as well ecclesiasticall as temporall benefits may be ymparted unto them, but with restrictions.

Not to be archbishop or bishop, because they are places of judicature and honour.

That they may have deneries, trefureshipps, archdeaconries, chancellourshipps, benefices with cure, and all other such places, as have no judicature.

That they may have a dignitie and a benefice, but not benefices and a dignity, nor 2 dignities and a benefice.

No dignitie in a chathedrall church, unlesse he be a batchellour of dyvinitie, and do his orderly excercise for it.

No benefice, unlesse he be a master of art, and likewise do his order, by excercise, for it.

No Scottisshman to be head of a colleage. That they shall have schollers places, and fellow sheepps, in colledges, but so farr south, as the corall statuts will permit.

The will donatoris and fundatoris observed.

That

That they may have the tenth part of the benefices in this realme, not but exceed that proportion.

Sir George Moore.

Whether it be meant by the instrument, that the offices of sheriffs and justices of the peace be comprehended in the offices of judicature.

Whether it be fitt or no, that Scottishmen shall beare the said offices, since it is the part and power of the sheriffs to rayse, posse comitatus, and to execute all writts and processe.

And that justices have authoritie, that two of them may call a sessions, and are judges of life and death, have the execution of penal statutes, and of all others, ought to be expert in the lawes.

The like question made of coronours, feodaries, under-sheriffs, escheates.

They desire to know, how far forth the word judicature is to bee extended.

The whole due and scope of their message was { 1 Duty to the King;
2 Care of the English;
3 Love to the Scotts.

Desired by them, that as the titles are unyties in the King's person, of the affections of all the subjects might be united among themselves.

Sir Edwin Sandis.

1, A protestacon, that they onely propound these

these things in raw and imperfect sort; but that they are not to conclude or bynde the Howse.

2. That they desire not to be excluded, hereby, from propounding any further, or other reasons, or doubts, that they shall finde hereafter.

Jan. 10th, 1799.
Exd. J. Bruce.

APPENDIX, No. XX.

CONSIDERATIONS offered unto the LORDS,
by the HOUSE of COMMONS, in the Con-
ference, touching the Naturalization of
the Scottish Men.

These stand upon an introduction and a body.
In the introduction are conteyned ;

First, That whereas the word (Naturaliza-
con) is, in itselfe, very large and new, and there-
fore subject to many interpretacons, we desire
(though we use the word) not to have it extend-
ed farther than those bounds, which we all li-
mitt in ;

Secondly, Whereas there are 2 sorts of Unions,
the one perfect, the other imperfect. The first
importing a consolidacon of both into one body,
by laws and uniforme government : the other tho'
united in the head, yet severed in the body. The
first we doe earnestly and heartily desire ; whereof
a testimony was given, by our free grant unto
our Comrs, to treat of all thinges, without limi-
tacon, noe not of our lawes. A shew of the
other kind is yet continued in the instruments, in
the reservacon of the antient lawes, priviledges,
and customes of Scotland.

s

And

And altho' we shall offer some cautions and restrictions, yet we desire they may not be interpreted, as if we would not have that perfect Union; but rather as furtherers of it; for if the Scots should, at the first, have all our priviledges and benefits, it may be feared, they will never proceed to the perfect union: on the other side, when they shall tast the good of part, they will be incited to the consolidation, by desire of the rest.

Thirdly, Whereas France and Scotland have been in ancient leagues, wherein we have always been reputed the common enemy, and soe those leagues have been chiefly made against us; whether it were not fitt, to abrogate and breake all those leagues and confederacies. If it may be so by the union in the King his person, it may be feared, that the long and ancient friendship between those nations (as between those kingdomes those leagues have been made) will not, at sudden, be forgotten; the rather, because since the Kings his cominge to this crowne, the French have erected a band of Scottish horsemen, before new done; and because we desire this may be a marriage to her newe love, we desire she should leave her old.

Fourthly, Because nothing is more agreeable to a provident care, then to assure strongly that which is conveyed, and wisely to prevent the attayning unto more then is graunted; and for that is is meet, for us to seeke to ty the King in his prerogative; wee thought best to offer in consideration, the enabling the Scottish nation, soe
farre

farre as shall be expresse, to be enabled to receive, and noe further.

The body conteyneth, inheritance, ecclesiasticall promotion, and temporall benefit.

For inheritance, we thinke fitt to give them liberty to purchase and inherit lands amongst us, soe as sufficient provision be made against their exportacon of our wealth and coyne.

For as their lands in England be subject to all our charges, as well personall (as subsidies) as other; likewise subject to such forfeitures as ours are, for trespasses committed in any place; and that those lands be subject to our justice, for all kind of actions.

The ecclesiasticall conteyned a reservation, a grant, and a caution.

The reservation is of all bishopps. That noe Scottishman may be a b^rpp; because, as barons, they sit in Parliament, and that every bishop hath under him a place of judicature. The like reservacons of mastershipps or headshipps of colledges, and houses (for the universities are conteyned under the ecclesiasticall) in both universities, that noe Scottish man be master or head of a colledge or house.

The grant is, that of all other dignities, benefices, or preferments, they should be capable of one tenth part at the most.

The cautions were, Noe Scottishman shall be capable of 2 dignities, or two benefices, or above one dignity and one benefice.

That noe Scottishman should be capable of a dignity and a benefice, except he had taken the degree of batchelor of divinity, in one of the universities, and therefore had performed all his exercises, without dispensac^on : and noe Scottishman should be capable of a benefice, except he had taken the degree of master of arts in one of y^e universities, as afore^d.

That this act be not interpreted to crosse the private fundamentall statutes of any the houses in the universities, but so farre only as they may be, in all thinges observed and kept.

In the temporall benefitt fell, fift a consideration, then a question.

The consideration was, whether a Scottishman should be guardian of any the King's wards: which divided into 3 branches, the body, the lands, the marriage of the wards.

For the body and education. It was thought fitt, for the better education, for the better instruction in the lawes and governem^t of his native country, and for the better and more speedy remedy, in case of wrong or injury offered unto him, that his body and education should be in England.

For

For the land. Put the case, y^t waſt be committed in woods or houſes, ſome ſmall tymes before the expiration of his yeares of wardſhip, the guardian being in Scotland, how remedy ſhould be had in this caſe?

For marriage. Suppose the ward ſhould reſuſe the marriage of a Scottiſh woman, tendered unto him, whether therefore he ſhould incurre the penalty of reſuſall?

The queſtion was, whether, under the name of offices of judicature, were conteyned, ſheriffs and juſtices of peace? The firſt, becauſe he hath places of judicature under him, he hath to doe with the returne of all writts, and empannelling of all juries: The ſecond, becauſe of the ſeſſions holden by them, the execution of moſt of the penall ſtatutes belong to them, and the whole ſubſidy in every ſhire, through their conſideration.

Jan. 10th, 1799.

Ex^d J. Bruce.

APPENDIX No. XXI.

A BREEFE of his MATS^r Speech to the PARLIAMENT HOUSES, the second Day of May, 1607.

My Lords, and you Gent : of the Lower House, the materiall cause why I sent for you, was, to expound myself, in a speech I lately made unto you. The cheefest comfort I had, was, that I hoped I had sowed seed in good ground; for it was received wth^r reverence and applause. I pray God, my hopes may not be deceived, and that it may so prove; and that it lighted not in sandy ground, or stony, whereby it be choaked, perverted, neglected, or diverted from groweth, but may receive that harvest that I wishe. I may justly saie, it appeared by all symptomes, that the most part resolved, as I wished. I sent not for yow because I doubt, but because I would facillitate your proceedings: In regard of diversinterpretac^ons made of my speech, I thought it best to declare and interpret myself, for *ejus est interpretare, cujus est proponere*: What I will saye, shall consist of 3 points, 1. To interpret my meaning in my late speech; 2 To answer objec^tcons made amongst you; 3 To delyver my opinion what course I wishe to be taken by you. For the first; All applauded the Kings speech, but
when

when you came to it, some wrought upon stubble, others upon golde. I come nowe to burne the stubble, and to preserve the golde. Because I wished a perfect Union, some of you propound, that to yourselves to have p^rntely a perfect Union, and noe other course. There is difference betwixte fooles and wisemen; th'one followes shaddowes and fancies, the other substance and sincerity, I spake of generall and full Union, I named it not perfect; full by the meanes, but absurd to thinke it can be perfecte on the suddaine. If God grante me tyme, I purpose to make it perfecte, if not, I leave it to be effected by those who come after me. You should doe as St. Paule teacheth, before yee followe mens fancies, *probate spiritum*; the dyvell himself cannot deny, but what some what must be donne, for prepara^rcon; shall it be a prepara^rcon of shaddowe and not of substance? It proceedeth out of humor to divert what is intended. If a humor disease the bodye, the way to cure the body is to divert the humor: but some will commend that wch^r is farre of, and neglect what is at hand. A commission, now after such proceeding, &c. a good tale tolde in your House, yee saye a good motion. Strange prepositions in other princes tymes, in King Hen. VIII, a bill preferred by the Kings desyer, one stood up, said, the K. meant well, so it were according to law, so dashed the bill. I propound nothing against lawe; I desyer that you give me an honest & an expedit answeere, and not a diversion. Yee speake of a perfect and an imperfect Union; that I propound is not an imperfect Union; if imperfect, then a monster: A childe with^rout a beard is not imperfect, tyme must accomplishe

accomplishe perfeccon: yf borne without a legge or a lymme, then not perfecte. In the wombe, after conception, it is embrio, and not a perfect childe; when the childe is borne, though a perfect childe, yet not a perfecte man: In me, right and blood made an Union in embrione, as sone as the Queene dyed, when all you in parliament, by act, acknowledged the righte and unione in my person, the childe was borne: it must be made perfecte in tyme, by degrees; in that it cannot be donne on the suddaine, blayme tyme, order, and nature. Both Houses of Parliament, at the beginning, when I propounded a perfecte Union, made it impossible, and advised a commissiyn, and lymitted those they trusted: and those who are now soe ready to calle for a perfect union, then gave example of Spaine, and other places, to the contrary. Soe cann they blow hott and cold out of one breath. I intend a full vnion, not a perfect, by making preparacon, as in my speech I delivered. *hoc facite, & aliud omittite*. Let us not faste one day, because we must feaste an other day: So much for my meaning in my last speech. For the objections made: 1. Some say, what avayleth it? what gaine have we by this Union? &c. I thought I had satisfyed that; for it maketh a potent empire, in having a multitude of people joyned, having the splendor of the Kings state, the turninge of curses into blessings, the turning of blood to peace & securitie, here to enjoye the state and scepter of the kingdome. He that objecteth there is no gayne, sayth, that *procul a Rege, procul a fulmine, procul a Jove*. Yf the Kinges presence at the courte breed harme, I willbe tryed by any childe

childe of 6 yeares olde in London or about. Yf my p̄sence bring harme, I protest to God, I will offer 2 things; either to live one yeare in Scotland and an other in England, or to live in Yorke or the borders. Some Kinges in Scotland did use to goe in circuit, as the judges doe; I may as well doe it as anye, so long as it pleaseth God to graunt me abilitie of body. I hold their speech to proceede of foolishnesse, and not of undutifulnes. It would much trouble a warriour to be encouered with his owne weapons, so may it me, to have my owne speeches turned againste me. Be not perswaded by those who, like painted sepulchres, seek to seduce you; try their spiritts, doe what is fitt for wyse men to doe, and followe not their fancies. I make noe syllogismes, I offer plaine matter.

2. There is another objection. Yee cannot have security. I confesse I am not able to salve you therein, for 2 causes: th'one, because I am not skilfull in the com̄on lawe; th'other, because yee will not believe the judges of the lawe. But I put yee to this dilemma, I can, or I cannot, give you security. If I can, I offer it; if I cannot, then take my honor, wch̄ I have not, and will not violate. It is the greatest bonde I can give: better for you to take that then nothing; if I cannot, otherwise secure yee.

3. Another objection: Graunt them but a little at once, that they may have an appetite. Are wee talking of joyning France, and other strange nãcons: *res non est integra*. Wee are not to make, but to confirme and strengthen an union. It is made by God; and we are to endeavour howe to make it profitable to bothe kingdomes.

4. It is objected, this is no
t
newe

newe motion; divers of the Lordes shewed an inclination to the perfect union. In the preamble of the statute, I pressed yee not to except fundamentall lawes. If yee gave not full power to those yee named, blame yourselves; what is in the instrument propounded was not donne at first by me, but by such as yee authorized and lymitted. Some thinke it a matter of great grace, to repeale hostile lawes, which are in themselves dead; for *deficit causa, deficit effectus*. It is ridiculous to talk of carrying horses into Scotland; or Scotts to come hither, without lycense, to be nowe so penall, &c. Yee graunt nothing by repealing them, because they are already dead; no more then you graunte mee, to make me a King, beinge a Kinge alredy. If bylls come amongste yee, they are like to have colde entertainment. Some cannot conteyne their passyon, but sing like an owle, and presage ill before hand, and before the matter be heard; I thinke they should first consider, before they judge; I hope it was but one swallowe who song that summer. And though they are not with me in hugge feare, yet they must knowe, that I am a King in authoritye, in my naturall person a man, and subject to passyon as other men be, and therefore to be provoked. I would have it understood, that I holde this to be the conceipt of some particular persons, and not of the House, for the course I whishe yee to take. I pray ye remember the seying of *St. Paul*, that ye stand in the presence of God, reverence to your King, let your affection et love be great to your King, to your nation, and to others that are to be joyned with you. Order is the degree, and dilligence the meanes to put forward this business. Dilligence, in regard
of

of the feazon and tyme of the yeare, and of much tyme already spent, which is to be redeemed. If yee have doubts, lett me know it; yee have not a foole to your King, but wilbe able to give you some satisfaction. If ye have no doubts, then goe on, and use no delays. In so doing, strangers will beare me the greater reverence, my friends wyll rejoyce, ye shall glorify your King, and he shall protect and comfort you: what lacketh, shall be no faulte of affection, but of tyme. I exhort yee, that yee be not ledd or guyded by fanaticque spiritts. Labor ye not to be diverse amongst yourselves; give not cause to strangers the lesse to esteeme me; and tempt not the patience of your Prince, who hath stryved with you in patience, Let reason be answered with reason, Ye know what is fitt and reasonable to be donne, followe it, and performe it accordingly.

Jan. 10th. 1799.
Ex^d J. Bruce.

APPENDIX, No. XXII.

ACT anent the UNIOUN of SCOTLAND and
ENGLAND.

11th August, 1607.

Whereas the estaitis of this kingdome, upoun
the naturall lowe and reverence they have evir
professed and borne to thair princes (acknowledge-
ing the same to be in sua far the mair justlie dew to
thair present maist gracious Soverane, as baith his
Heines wisdome, rair vertewis, and qualiteis, sur-
passis all other princes, and thair prosperitie,
wealth, and quietnes, hes, under his Hienes hap-
pie government & reigne, gone alsweill, in all
heavinlie, as in all wordlie honouris and blessings,
above all felicitie of ony preceding age or be-
gane memorie) wes movit in the parliament, hal-
din at Perth the day of 1604,
to direct a number of commissioneris, of all es-
taittis, to treat with the commissioneris of the par-
liament & estait of England, for the Unioun of the
twa ancient & famous kingdomes, Scotland &
England, according to his sacred Majesteis maist
hie & glorious desseyng, & to establishe & se-
cure this monarchie, in all perpetuitie to his
Hienes, succeffoun & posteritie, as a crowne,
perfectioun, & full accomplishment of all wordlie
happines,

happines, may be pretendit to or wished; the saidis commissioneris haveing exhibitit to the estaittis of this realme, presentlie conveynit in this parliament, the haill treatie, & all that wes condiscendit on, betuix thame & the commissioneris, for the paliament of England, conteyning certane articles & propositiones, mutually accordit & aggreit on be the commissioneris of baith the realmes, as equitable & worthie to be proponit to the nixt sessioun of parliament of baith the realmes, to be considerit & to ressaue sic strenth & approbatioun, as to thair great wisdome suld appeir conuenient, as the said treatie, presented, sealed, & subscriyved be all the commissioneris of baith the kingdomes, present, for the tyme off the date at Westm^r, the sext day of December, in the zeir of God, M.VI.^c & four zeiris (1604) at mair lenth proportis; the saidis estaittis of this kingdome, presentlie convenit, being ryplie, advysit thairwith, & in full resolutioun, to geif all possible prooffes of thair devotioun, to accomplishe all his sacred Majesteis royall desinges & projectis, & in quietnes to secure, be all possible meanis, to his posteritie, this florischeing, worthie, & great empyre, & thair for to advance, sua far as possible they may, this happie unioun, alreadie begun in his sacred Majesteis royall persone, finding & judgeing, that thair foirsaidis commissioneris, in all thair proceedings, hes worthelie, honorably, & faithfullie behaved thamefelffis, in the discharge of that credit & trust wes committit to thame be the estaittis of this kingdome, hes thairfoir statute & ordanit, lyk heirby statutis & ordanis, under the exprefs provisioun, claus, & conditioun, specefeit & expressit

pressit at the end of this present act, & na uther-
wayes, that all the particular hostile lawes, heir-
after enumerat, and all utheris of the samyn na-
ture, now omittit, & quhilkis have bene maid &
consaveit, be name, be Scotland agains England,
as enemeis, fall be abrogat, & in all tyme cum-
ming, alluterlie extinguished: off the quhilkis
particular lawes the feuerall titillis followes;

All persones remaning in England, without
the Kingis licence, committis treasoun.

Affurance with Englishmen, or taking frome
thame protectioun for landis or goodis, is treasoun.

Buying & selling of English goodis, forbid-
den undir payne of escheatt.

That nane pas in England, in tyme of warre,
without licence, under the pane of treasoun.

That na Inglishman come in Scotland, with-
out conduct, & that na Scottishmen sitt under af-
surance with thame.

That na Scottishmen supplie Berwick or
Roxbur^t, under the pane of treasoun.

That all men be readie for defens of ye relme
agains England.

Tua actis for resisting king Edward the fourt.

The uphalding of Berwick & garryfounes
on the bordouris.

Scottishmen

Scottishmen chargeit to leaf assurance with Englishmen.

Anent assured Scottishmen assisting the English armie.

Scottish bordouraris dischargeit to marie English bordouraris dochters.

The wardane fuld put in bill the names of Englishmen, that occupy landis in Scotland, & seik redress according to the treatise.

It is also statute & ordanit, that all lawes, customes & treaties of bordouris, betuix Scotland & England, fall be, in all tyme cumming, abrogat & abbolishit; & that the subjectis of Scotland, inhabiting the boundis of the lait wardanreis, fall be governit be the commoun lawes & statutis of this kingdome, & that the name of bordouris fall be extinguished in all tyme cumming: And the saidis Estaittis considering, that the persute of actiones & executioun of Decreit, proceeding of crymes, offensis, & transgressiouns, committit be subjectis of ather of the saidis realmes agais the subjectis of the uther, befor his Majestis happie succeding to the crowne of England, wald indoubtitlie renew & foster mair grudge & mutuall haltrent in the heartis of pairteis, nor procure ony convenient restitution or satisfioun to pairteis intereffit, it is statute & ordaint, that na subject of Scotland or England fall be persewit, charged, summoned, arrestit, takin, tryit, convictit, or ony wayes trublit or punished, in his bodie, lands,

landis, or gudis, for ony crymes, injureis, or offensis, committit be thame, befoir the beginning of his Majesteis happie regne of England, or quhair of they, or ony of thame, wer airt or pairt, or onyways giltie, whereof the tryell, cognitioun, & judgement, wes competent to the wardanes of the Merches, befoir yair suppressing, or to the commissiounaries of baith the princes in bordour caussis; & that all utheris, who wer pledges, cautionaris, or full debtouris, for or with the saidis principall pairteis, & all utheris, ony wayes gultie or subject, be law, to punishment, imprisonment, restitution, payment, or redres, quhatsumeur, for ony sic crymes, offensis, injureis or ony thing proceeding or depending thairone, fall be discharged thair of, and of all bondis, promesis, aithis, cautionaris, sentences, actis, panis, perrell, trubill, danger, actioun, and execution, quhatsumeur, quhilk onyways might have followit thairupoun, & ar & fall be frie, quit, remitted, & pardoned, of the samin, & of all that onyways, principallie or incidentlye, directlie or indirectlie, may resulte or ensue thairupoun, for now & for euir; And seing the abolisheing of the memorie of bordouris, & bordour lawes, wheirby the offensis committed be subjectis of the ane realme, within the uther, haue heirtsofir bene determined, inferris ane necessite to appoint some other gude & wyse ordour, wheirby the committing of sic crymes & offensis may ather be prevented, or the malefactoris punished, eftir a just & equitable manner, as may give equall cause of contentment to the subjectis of both the kingdoms, having ony interesse, in persute or defens of ony criminall actionis, quhilk can not gudlie be,

be, unless the justice of both the realmes, in sic caussis, be uniforme, as na materiall difference be, in the substance or ordour of thair judicaturis, in actionis of that kynd, Thairfor, it is statute & ordanit, that all crymes & offensis, committed within the realme of Eugland, sen the beginning of his Majesteis happie regne, thair of or heirestir to be committed, be ony of his Majesteis subjectis of Scotland, returning within the same, fall be tryed & judged in his Majesteis justice airis of the sherefdoms of Berwik, Roxbur', Selkirk, Peblis, & Drumfreis, befor his Majesteis Justice Generall, & his deputtis, naturall borne subjectis of the realme of Scotland, onlie & na utheris, & be honest & lauchfull assyffouris of the said

having at leist ane hundreth merkis, Scottis, of zeir lie rent; to be summond, sworne, & admitted, be the said justice, to quhome the defendar fall have power to present sic witnesis, as upoun thair aithis fall be maist able to informe the saidis assyffouris, of his innocence of the crymes wheirof he is accused. It is alsua ordanit, that euerie Justice or Justice depute, to whome ony sic complaint fall be maid, fall have power to tak the persewar, &, his witneses, quhome he fall desyre to use (the saidis witneses haveing thair expenses first modefeit be the Justice, & payit be the persewar to thame) bundin, under sic pecuniall panis to his Majesteis use, as he fall think convenient to prescryve, that they fall prosecute & give sic informatioun to the justice & assyse, in that actioun, as the mater fall require; wheirin gif they, or ony of thame, failzie, the said penaltie to be exacted be his Majesteis Thesaurar, of him or thame, quha fall incurre the same; &

u albeit,

albeit, the principall offendar be not apprehendit nor tryed, it fall nevirtheless be lauchfull, to convene, persew, trye, judge, & punishe, sic as ar, airtpairt, red or counsaill of the saidis offenses, or wilfull resailleris of the saidis malefactouris, als readelie, as gif the saidis principall offendaris had formerlie reffaued thair definite tryell; in quhilkis caiffes it fall onlie be lauchfull to the defender, to reject fyve of the saidis assyffouris, upoun his suspitioun of thair partialitie, ane or ma, unless he allege and veresie sufficient & lauchfull causses of declynng of the rest, exceding the said number of fyve. Be it always provyditt, that na subject of the kingdome of Scotland fall, for ony crime committed in England be him, or whereof, he is airtpairt, losse or amitt ony of his landis, heretages, fewes, reuerfiounes, heretable bandis, richtis, or utheris securiteis of landis or teyndis, wheirof thair fall be ony termes to ryn, eftir his deceis, bot that the samin fall appertene to his airris or successouris, as the samin wald haue done, in caifs of his deceis at the kingis faith & peax; notwithstanding wheirof, all suche offendouris fall losse & foirfault to his Majestie, thair insicht plenishing, cornis, cattell, debtis, & utheris moveable, whatsumeir, but prejudice to thair wiffis of thair dowar & thrid. And to the effect, that sic of his Majesteis subjectis of England, as haveing reffauit injurie in England be ony of the subjectis of Scotland, quha ar returnit within the kingdome, yair of, may with mair fauour & expeditioun haue reparatioun be justice, It is ordanit, that during the tyme of the going, returning, or necessar remaning of the saidis pairteis & witnesses, within the said
kingdome

kingdome of Scotland, for the prosecution of the saidis actiounes, they fall faillie injoy immunitie frome ony arresting & imprisoning, for all causses criminall (except treassoun & wilfull slaughter) committit befor yair cummyng in Scotland, for the intent foirsaid. And gif ony subject of England, being persewit for ony criminall causses in England, fall thairestir, of new, be persewit in Scotland for yat samyn cryme, & allege for his defens, his former tryell & clenging in England, the justice fall not procede ony forder in that mater, whill he haue sufficientlie informit himself of the veritie of the said defens; & finding ye samyn trew, that he furthwith discharge the defendar of all forder process & trubill for that fact. And albeit, thair be na thing mair hairtlye desyrit, be all faithfull subjectis of this kingdome, nor that the Unioun of this haill Ile, happilie begun in his Majesteis sacred persone, & greatlie advanced be the prudent, cairfull, fatherlie, & incessant panis tane be his Majestie, thair anent, may be brocht to ane full perfyte & absolute accomplishment, wheirin, for the equall gude of baith, the readines & satisfie of his Majestie, to whois justice, favour & benignitie, the saidis estaittis acknowledge thameselfis mair infinitlie bound, nor ony people in earth ar to their King, as they haue euir bene, & fall allwayes continew, willing & readie to gif that faithfull concurrence & help that becummis thame, zit, whill it please God to bleis this Ile with the felicitie of ane perfyte Unioun. It is statute, that na Scottishman fall, for ony treassoun, or other cryme whatsoeuir, committit within England, be send out of Scotland to England, to be tryit or judgeit thair,

thair, bot fall reffaue his tryell & judgement in his native countrey, according to the lawes & ordour thair of. And to the effect the affyffouris, to be sworne in these causses, may the mair faithfullie & justlie procede to thair determinatiounes, it fall be lauchfull to thame, to elect & reffaue, upoun thair aithes & consciences, sik sworne witnesses presented to thame, aither for the persewar or defendar, as fall seme, to the maist pairt of thair number, unsuspect, faithfull, & best acquainted with the treuth of the mater; reserveand alwayes to the Lordis of Parliament thair tryell be thair Peiris, as heirtofor, in the lyk caiffes, hes bene used. And albeit the ordour be, this act, prescryvit in the premisses, approches maist neirlie to equalitie & indifferene, haveing respect to the estait of both the kingdomes, zit whensoever it fall pleis his Majestie, & Estaittis of the parliament of Scotland & England, to appoint commissionaris, for taking of ane mair perfyte & constant ordour, for mair firmer administratioun of justice to all the subiectis of both the kingdomes, the saidis Estaittis fall omitt nathing, upoun their pairtis, tending to the finall perfectioun of the said Unioun, & quhilk thair duetie to thair most gracious Prince, luf of thair countrey, & affectioun to thair nichbour, can require.

And forther, the Estaittis of Scotland, answerand to that article of the foirsaid treatie, tuitcheing the communioun & participatioun of mutuall commoditeis & commerce; first, concerning the importatioun of merchandice in Scotland, frome forene pairtis, That where certane comoditeis ar wholie prohibitit by the lawes of Scotland, to be brocht

brocht in the samyn kingdome, frome any forane pairtis, by the native subjectis of Scotland thame selfis, or be any uther, the saidis Estaittis, staittis & ordanis, that na Englishman may bring into Scotland any of the saidis prohibetit waris or commoditeis, & that neuirtheless, gif the saidis commoditeis be maid in England, it sall be lauchfull to Englishmen to bring thame furth of England into Scotland, as na forane commoditeis: And as for the commodeteis & merchandice, not prohibetit by law, to be brocht into Scotland, & specialle concerning the trade of wyne, or uther commoditeis, frome Burdeaux, the saidis estaittis of Scotland findis & declaris, that the Englishmen sall be frie, for transportatioun of wyne, & utheris commoditeis, frome Burdeaux into Scotland, according to the determinatioun of the commissiounaris of both kingdomes, contenit in the said treatie, payand the samyn customes & dueteis, that the Scottishmen payis in Scotland. Bot whair as, for cleiring & resolving of that doubt, mentionat in the said article, tucheing the advantage, that the Scottishmen ar supposit to haue, aboue the Englishmen, in buying & transporting the commoditeis of Normandie, & of utheris pairtis of the kingdome of France, except the buying of wyne & traffique in Burdeaux, as said is, commissiounes appointit to be grantit to four meitt & discreitt persones, to pas into France, twa for ilk syd, thair to tak perfyte notice of any suche advantage, as ather the Scottishmen haue aboue the English, or the English aboue the Scottish, in the buying & transporting of any commoditeis of Normandie, or of any pairt of France: And understanding,
that

that Thomas Fischer and William Speir, merchandis of Edinbur', for the realme of Scotland, & Robert Bell & Williame Williamsoun, Merchandis of Londoun, for the realme of England, wer directit, be ather realme, unto France, conforme to the effect, contenit in the said commissioun; & they haveing returnit frome France, & delyuerit to the Lord Chancellor of Scotland thair proceedingis, in the said mater, and the samin commissioun & reporte being red, & ryplie advisit upoun be the saidis Estaittis of Scotland, efter that they had conferrit y^e foirsaid reporte, with the said article of treatie, anent the importatioun of merchandice foirsaidis, in ather kingdome, the saidis Estaittis of parliament of Scotland findis, in respect of the foirsaid reporte, that the advantage of privilege, or of immunitis, or in impostis & payment, that apperteneith, or may appertene, to the subjectis of ather kingdome, aboue utheris, in Normandie, or, in ony pairtis of France, ar & is of so small difference, as aucht nawayes justlie hinder the communicatioun & trade; & thairfoir the Estaittis of the parliament of Scotland syndis & declairis, that the Englishmen fall be als frie for the transporting of all fortis of merchandice & commoditeis frome Normandie, & all utheris pairtis of France, & with the samin libertie of importatioun, quhilk the natie borne subjectis of Scotland thame selfis haue; and sicklyk generalie, for all uther trade, frome ony uther forane pairtis, into Scotland, the Englishmen fall haue libertie of transportatioun, als frelie, as the saidis natie subjectis of Scotland (not haveing speciall priviledges) payand the samyn customes & dueteis, that Scottishmen

tishmen pay in Scotland. Nixt, concerning the article of exportatioun, the Estaittis of Scotland statutis & ordanis, that all suche gudis or commoditeis, as ar prohibitit & forbiddin to Scottishmen, thame selfis, to transporte furth of Scotland to ony forane pairt, the samin fall be unlauchfull for ony Englishman, or ony uther, to transporte to ony forane natioun, ouer sea, & that under the samyn penaltis & foirfauttouris that Scottishmen ar subject unto: bot neuirtheless findis & declairis, that suche goods & merchandice, as ar licencit, & ar lauchfull to Scottishmen (not speciallie privileged) to transporte out of Scotland, to ony forane pairt, the samin may be lykwayes transportit be Englishmen thether; and they certefeing their going towardis foraine pairtis, & taking coquets accordingly, fall be bund onlie to pay the ordinarie custome, that Scottishmen thame selfis do pay, at the exporting of suche waris. And, as for these natie commoditeis, quhilkis aither of the countreys do zeld, and may serue, for the use & benefite of the uther, the saidis Estaittis of Scotland statutis & declairis, that thair may be transportit furth of Scotland into England, all suche waris, as ar of the grouth or handywark of Scotland, without payment of ony custome, impost, or exactioun, & als frelie, in all respectis, as ony waris may be transportit, in Scotland, from porte to porte; excepting suche particular sortis of goodis & merchandice, as ar heireftir mentionat, being restranit for the propir & inward use of Scotland; & for that purpose declairis, that, furth of this communicatioun of benefittis & participatioun of natie commoditeis of this countrey of Scotland, with

the countrey of England, thair fall be specialie exceptit & referuit, the particular sortis, heireftir specefeit, that is to say, woll, scheip, skynnes & fellis, cattell, leather, hydis, & lynnenn zairne, quhilkis ar speciale restranit, within the countrey of Scotland, not to be transportit frome the samin to England, exceptand also & reserveand to Scottishmen, thair trade of fisheing within thair lochis, firthis, & bayes, within land, & in the seas, within fourtene mylis of the coostis of the realme of Scotland, wher nather Englishmen, nor ony stranger, nor forinaris, haue use to fische. Fordermoir, the Estaittis of Scotland statutis & ordanis, that all forane waris, to be transportit furth of Scotland to England, be the subjectis of England, have and, at their first entrie in Scotland, anis payit custome, fall not pay outward custome estirward in Scotland, saif onlie inwaird custome, at that porte quhairunto they fall be transportit, bot the awneris of the goodis, or the factouris, & maister of the schip, fall gif band, not to transporte the samin to ony forane pairt. The Estaittis delaris, also, that Englishmen fall not be debarrit, frome being associat in ony Scottish companie of merchandis adventuraris, or ony utheris, upoun suche conditionis, as ony natieue Scottishman may be admittit. It is neuiryeless statute & ordainit, be the foirsaiddis Estaittis of Scotland, that the libertie afoirsaid, of exportatioun & trade from Scotland to England, fall serve for the inward use onlie of England, & nawayes, for the transportatioun of the saidis commodities into forane pairtis. And for dew punishment of those that fall transgress, in that behalf, & for the better assurance & caution varin,

it is statute be the saidis Estaittis of Scotland, that euerie merchand, so offending, fall foirfaulte his haill goodis, the schippis wheirin the saidis goodis fall be transportit, to be escheatit & foirfaltit. The customeris, serchearis, & utheris officciaris of the customis, whatsoeuir, in caiss of consent or knowledge, upoun thair pairt, to the transporting of suche wairis, to losse thair offices & goodis, & thair persones to be imprisonit, during his Majesteis will; & of the saidis escheatis & foirfaltis, twa pairtis to appertene to his Majestie, gif the customes be unfermit, & the thrid pairt to the informer, & gif the customes be ferm-ed, one third of ye foir faltouris to belong to his Majestie, one thrid to the fermoraris of the customes, & the uther thrid to the informer; & the tryell of the offence to be summarlie in Scotland, in the Exchekker, be wrytt, sufficient witnessses, or aith of partie, or befoir the justice, be assyse, and his Majesteis Officiaris, within this realme of Scotland, to concurre with the complenar haveing interes in the persute. And for the moir suretie, that thair fall be na suche transportatioun of goodis, exportit frome Scotland to England, statutis & ordinis, that at the schipping of all suche natieue commoditeis, thair be takin, be the customer of the porte, wheir the goodis or wairis ar embarkit, ane band, or obligatioun, to be subscrivit be the awner of the saidis goodis, & the awner of the schip, gif the awner be present, or (in caiss the awner be absent) by the maister of the schip, & the factour, or pairtie that ladnit the goodis, the said band conteining ane sowme of money, ansirable to the valour of the goodis, with con-

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ditioun

dition for releiffing of the pairtie bund, & dischargeing him of the foirfaid band, in caifs returne be maid of dew certificat to the faid customer, whair the goodis wer ladnit, frome ony porte within Scotland; the certificat to be subfcryuit & feallit by the officiaris of the customes of the porte, whair the goodis fall arryve, & be ladnit, or gif thair be no^t fuche officiaris, then be the cheif officer or magistratt, & towne clerk, under thair handis, & towne *clerk* (*seall*), the tennour of the quhilk band to be in maner following: Be it kend till all men, be thir presentis, us, A, B, & C, D, skipper in Leith, to be justlie awan & addettit to our most gracious Souerane the Kingis Majestie, the sowme of ane thowfand pundis, scottish money, the quhilk sowme we faithfullie bind & obliſſes us, oure airis, executouris, & assignais, & ilk ane of us, conjunctlie & feueralie, faithfullie to content, pay, & delyuer, to our said fouerane Lord, his airis & ſucceſſouris, renunce- and all exceptionoun of not numerat money, & all utheris exceptiones, whilk may be proponit in the contrair, &c. with proviſioun alwayes, that gif we, the foirfaidis A, B, C, D, wha hes ſchippit & ladnit, at the porte of Leith, in the ſchp callit the Lyoun, wheirof E F is maister, under God, ſex laſtis ſalmond, threttie laſtis her- ring, &c. to be transportit to the porte of Zair- mouth, in England, & layit on land thair, as by the entrie thairof, maid in his Majeſteis bookis of the faid porte of Leith, is evident, do diſcharge, & lay on land the faidis goodis, at the faid porte of Zairmouth, or any uther porte, within the kingdome of England, out of the ſamin ſchip, &
not

not elſwheir, & within ane zeir, next enſewing the date heirof, bring & delyuer to the officeris of this porte of Leith, whome it concerneth, ane trew certificat, under the handis & ſeallis of office of the magiſtrattis of the ſaid porte of Zarmouth, or of ony uther porte of the kingdome of England, wheir the ſaidis goodis ſhall be landit & delyverit, teſteſeing the landing & trew delyuerie of the premiſſes, without fraude or guyll; & in cais the validitie of the ſaid certificat ſal happin to be impugnit or brocht, in queſtioun, ſhall in the next terme, eſtir the end of the ſaid zeir, mak ſufficient pruiſ in the Chekker, beſoir ye Lordis Auditouris thairof, by lauchfull witneſſes or pruiſis, as they ſall allow of, that than, & in that cais, this aboue written obligatioun ſhall be null & of nane availl, force, nor effect, or ellis to abyd in full effect & vertue. And becauſe the certificat being returnit may, neuirtheleſs, ather by negligence, or by miſchance, be loſſed, & the bandis being extant, & na recorde had of the certificat, the pairtie wha was bundin, his airis, & executouris, may be ſubject to the penaltie of the ſaid band, for remede heirof: As it is alreddie fundin, that the ſpace of ane haill zeir, eſtir the date of the ſaid band be zeldit & allowit, for the returne of the ſaid certificat, ſo the Eſtatis of this realme ordanis, that upoun the exhibiting of the certificat unto the customer, he ſhall furthwith note upoun the band, the receipt of ſic ane certificat, beiring the teſtimonie, by whome the ſame wes gevin, the contentis thairof, & the date of the ſamin; & gif, within the ſpace of twa zeiris, nixt eſtir the exhibiting of the ſaid certificat,

ficat, the treuth & validitie thair of shall not be impugnit & callit in questioun, in that caifs, the said band shall be haldin fullie satisfēit & dischargit; & eftir the expiratioun of the saidis twa zeiris, na questioun or challenge to be maid upoun the band aganis the pairtie obliffit, & the band itself, (ipso facto) to be for euer eftir null, void, & of nane effect. And for samekill as the saidis Estaittis of this realme aggreis, that the lyk bandis be gevin be Scottishmen, traffiqing & landing thair schippis within any pairt of England, & that the ordour aboue writtin be alsua observit be thame, quhilk is prescryvit & sett down be this aboue writtin act of exportatioun, in all the particular heidis thair of, & to the end that thair may be dew executioun in the Exchekker of ather realme, of sic bandis, as sal happin to be foirfaltit, in caifs the pairteis foirfaltit the saidis bandis be not to be fundin in that realme, wheir the bandis wer tane & foirfaltit, bot in the uther. Thairfoir the saidis Estaittis consentis & aggreis, that the bandis, so foirfaltit on ather pairt, shall be mutualy & reciprocally transmittit frome the Exchekker of the ane realme to the uther (as caise shall require) & that the debtis recoverit, upoun the saidis bandis foirfaltit, shall be lykwayes transmittit & answerit to the Exchekker of ather realme, wheir the bandis wer takin. And fordermoir, tuicheing the indifferent schipping of commoditeis, ather be Scottishmen or Englishmen, in Scottish bottomes, the saidis Estaittis statutis & declairis, that Englishmen may fraucht & laid their goodis, in Scottish schippis & bottomes, paying onlie Scottish customes, within the realme of Scotland, no'withstanding of any contrair lawes or prohibitionis.

tionis. And, anent the article of the making of great schippis, & maintenance thair of, the saidis Estaittis grantis commissioun to the burrowes of Edinbur', Perth, Dundie, Aberdene, Glasgou, Air, Saintandrous, Montross, Kirkcudbright, Irving, Craill, Bruntlyland, & Culross, to meitt & convene, & sett down ordour, for forderance of the traide of navigatioun, paciseing & repressing all abusis, quhairby the said trade is prejudgeit; & to sett down suche ordour, for building of schippis, & all sorte of vassellis, as they think maist convenient; & the articles aggreit upoun be the burrowes foirsaidis, to be als sufficientlie authorisit, as gif they had bene expressit in this present act. And, becaus the foirsaidis Estaittis of this realme estemis it requisit, that the mutuall communicatioun afoirsaid shall not onlie be extendit to materis of commerce, bot also to utheris benefittis & privileges of naturall borne subjectis, thairfoir findis & declairis, that all the subjectis of ye realme of England, borne since the deceis of Elizabeth, the lait Quene of England, & all that fall be borne heirestir, under the obedience of his Majestie, & his royall progenie, ar, by the commoun lawes of Scotland, & shall be, for euir, enhabillit, to obtene, succede, inhered, & posses, all landis, goodis, & chatellis, honouris, offices, liberteis, privileges & benefices, Ecclesiasticall & Civill, in Parliament, & in all utheris places of the said kingdome of Scotland, in all respectis, & without any exceptioun whatsumeuir, als fullerie & ample, as the borne subjectis of Scotland mycht have done, or may do, in any sorte. Mairouer, for the better advanceing of the foirsaid happie
Unioun,

Unioun, & testificatioun of the loyall dispositioun, towardis his Majestie, & for the increfce & continuance of the mutuall lufe, frendship, & amitie, betuix the subjectis of the foirfaidis twa ancient kingdomes, the foirfaidis Estaittis of Scotland findis & declaris all the subjectis of the kingdome of England, borne befoir the deceis of the lait Quene of England, to be enhablit & maid capable to inquire purches, & inhered, succede, use, and dispose of, all landis, inheritances, goodis, offices, honouris, digniteis, liberteis, privileges, immunitis, benefices, & prefermentis, quahalsumeuir, within the kingdome of Scotland, with the samin fredome, & als lauchfullie & peciablíe, as the verie natíue & naturall borne subjectis of this realme, whair the saidis richtis, staittis, or proffeittis ar establisht, notwithstanding quahalsumeuir law, statute, or former constitutioun, heirtofoir, inforceit in the contrair, other than to acquire, possess, succed, or inheret, ony office of the Crowne, office of judicatorie, or ony voit place, or office in Parliament, all whiche to remane still frie frome being clamede, held, or injoyit, by the subjectis of England, within the realme of Scotland, borne afoir the deceis foirfaid, notwithstanding ony word, senss, or interpretation of this act, or ony circumstance thairone depending, untill thair be suche a perfyte & full accomplisshement of the Unioun, as is mutuale desyrit by both the realmes. And notwithstanding of this abonewrittin exceptioun, the foirfaidis Estaittis expresse reserves his Majesteis prerogative royall, to denyfat, inhable, & prefer, to
suche

fuche offices, honouris, digniteis, & benefices, quhatfumeuir, in the said kingdome of Scotland, as ar heirtofoir exceptit, in the preceding reservatioun, all English subjectis, borne befoir the deceis of the said laitt Quene, als frelie, als soueraignelie, & absolutlie, as ony his Majesteis royall progenitouris, or predeceffouris, kings of Scotland, micht haue done, at ony tyme heirtofoir, & to all utheris intentis & purposis, in als ample maner, as gifno fuche act had bene maid, or euir thocht or conceuit. And, forsamekle as the foirsaidis Estaittis of this kingdome of Scotland hes maid, grantit, & consentit to all the actis & statutis befoir specifeit, & to all the speciall liberteis & privileges thairin contenit, upoun prouisioun & conditioun onlie, that the foirsaid Unioun shall procede, work, and tak, the lyk finall end & effect, upoun the pairt of the Estaits of England, in fauouris of Scotland, efter the forme & tennour of the foirsaid treatie of Unioun, & concludiounis thairof, aggreit & accordit upoun be all the foirsaidis commisionaris of both kingdomes, the tyme foirsaid, & na utherwayes; Thairfoir, the saidis Estaittis of Scotland statutis, determinis, & declaris, that all the aboue written actes, liberteis privileges, & ilk ane of thame, & euerie heid article, & member yairof shall ceis, abyd, suspendit, & be of na strenth, force, nor effect, heir-estir, ay & quhill & to the speciall tyme, that the Estaittis of England, be thair actis & statutis, in Parliament, decerne, grant, & allow, the samin, & als mony actis, privileges, liberteis, fredomes, & immunitis, to the subjectis of the kingdome
of

of Scotland, to be injoyit & bruikit be yame,
within the realme of England, conforme to the
foirsaid treatie, in all pointis.

Extract Records of the Parlt.
of Scotland, vol. 20.

W. Robertson, Register Office, Edinr.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XXIII.

EXTRACTS from ORDERS of the PARLIAMENT, 1650-1, marked ff.

Die Martis, 15 Aprilis, 1651.

A letter from the Lord Gen^l Cromwell, from Edinburgh, of the eight day of April, 1651, was this day read.

Resolved by the Parliament, That that part of the letter, concerning commissioners to bee sent into Scotland, bee referred to the Councell of State, to consider thereof, and present the names of fit persons to bee commissioners, and instructions to bee given to them, and to report it to the House with all speed.

HEN. SCOBELL, *Cler. Parliament.*

Friday, the 26th of September, 1651.

Resolved by the Parliament, That it bee referred to the Councell of State, to consider of fit persons, to bee sent as commissioners into Scotland,

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land, and the number of them, and likewise of instructions to bee given unto them, for the managing of the civill government, and settling affaires there, as may bee best for the advantage of this Com̃onwealth; and that they report the same to the House on Thursday next.

HEN. SCOBELL, *Cler. Parliament.*

Tuesday, 28th October, 1651.

Resolved by the Parliament, That it be referred to the Councill of State, forthwith to take care, that money bee provided for defraying the charges of the commissioners, in their journey into Scotland, and of other incident charges, from time to time, during the commissioners stay in Scotland.

HEN. SCOBELL, *Cler. Parliament.*

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX No. XXIV.

EXTRACTS from a Book marked, USURPER'S
COUNCIL BOOK. T. t. I.

Dec. 16. 1653. page 1 & 2.

That the proclamation printed, and now read, be sent forthwith to the severall sheriffs, accompanied with a letter, the forme whereof was now alsoe read; the same to be signed by Mr. Thurloe.

Whereas the late Parliament dissolving themselves, and resigning their powers and authorities, the government of the commonwealth of England, Scotland, & Ireland, by a Lord Protector, and successive triennial parliaments is now established; And whereas Oliver Cromwell, captain general of all the forces of this commonwealth, is declared Lord Protector of the said nations, & hath accepted thereof; we therefore have thought it necessary (as we hereby do) to make publication of the premises, and strictly to charge & command, all and every person and persons, of what quality and condition soever, in any of the three said nations, to take notice hereof, and to conforme and submit themselves to the government

ment soe established. And all sheriffs, mayors, bayliffs, and other publique ministers and officers, whom this may concerne, are required to cause this proclamation to be forthwith published, in their respective countyes, cityes, corporations, and market towns, to the end that none may have cause to pretend ignorance in this behalf.

To the severall High Sheriffs.

Sir,

You will receive, herewith, a proclamation, for proclaiming his Highnesse, Oliver Cromwell, Lord Protector of the Comonwealth of England, Scotland, and Ireland, and the dominions thereunto belonging; which, by direction of the Councell, you are to cause to be proclaimed, in all the cityes, burroughs, and market townes, within your jurisdiction: and thus having signified the pleasure of the Councell, I rest,

Your humble servant,

Whitehall,
16 Dec^r, 1653.

Jo. THURLOE, Sec.

To the severall High Sheriffs.

Sir,

You will receive, herewith, a proclamation for continuing commiſſions, &c. in order to the execution of publique justice, which, by direction of the Councill, you are to cause to be proclaimed,

claimed, in all cities, burroughs, and market townes, within your jurisdiction; and thus having signified the pleasure of the Councell, I rest,

Your humble servant,

Jo. THURLOE, Sec.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XXV.

EXTRACTS from a Book marked, the
USURPER'S COUNCIL BOOK. T. t. 1.

Dec. 19, 1653. p. 3.

Whereas, there is herewith delivered unto you, a proclamation of the Councell, for proclaiming his Highnesse Oliver Cromwell, Lord Protector of the Commonwealth of England, Scotland, & Ireland, and the dominions thereunto belonging, you are hereby required, to cause the same to be published, with sound of trumpetts, in the most solemne manner, and in the most publique and usual places of the cities of London & Westminster, being on Monday, the 19th of this instant December.

Edward Birkhead and Henry Middleton, Esqs. serjeants at arms, are alsoe hereby required, then and there, to attend with their maces, for the more solemne performance of the said service.

Hereof you are not to fayle ; and for soe doing,
this

this shall be your warrant. Given at Whitehall,
this 19th day of Dec. 1653.

H. Lawrence,

Cha. Wolfeley,	Anth. A. Cooper,
Willm. Sydenham,	F. Rous,
P. Lyfle,	Phi. Jones,
E. Montagu,	Rich ^d . Major,
Wal. Strickland,	Jo. Desbrow,
Gilb ^t . Pickering,	J. Lambert,

To Edw^d. Dendy, Esq.
Serjeant at Armes.

Dec. 27, 1653. page 17.

That Mr. Thurloe, Secr^y of the councill,
doe take a speedy Course, for perfecting of what
is further to be done, to fitt for the press, the in-
strument entituled the Governm^t of England,
Scotland, & Ireland; and being soe perfected, to
send the same forwith to the press, that it may be
printed for publique view.

Jan^y 5, 165³/₄. page 36.

That the instrument entituled the Govern-
ment of the Comonwealth of England, Scotland,
and Ireland, be forthwith enrolled among the par-
liament rolls, and in all the Courts of West-
minster.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XXVI.

The GOVERNMENT of the COMMONWEALTH of ENGLAND, SCOTLAND, and IRELAND, and the Dominions thereto belonging, as it was publickly declared at Westminster, the 16th Day of December, 1653, in the Presence of the Lords Commissioners of the Great Seal of England, the Lord Mayor and Aldermen of the City of London, divers of the Judges of the Land, the Officers of State, and Army, and many other Persons of Quality; at which Time and Place, his Highness, OLIVER, LORD PROTECTOR of the said Commonwealth, took a solemn Oath for observing the same.

Published by His Highness, the LORD PROTECTOR's special Commandment.

1653.

I. That the supreme legislative authority of the commonwealth of *England, Scotland, and Ireland,*

land, and the dominions thereto belonging, shall be, and reside in one person, and the people assembled in parliament; the stile of which person shall be, *Lord Protector of the Commonwealth of England, Scotland, and Ireland.*

II. That the exercise of the chief magistracy, and administration of the government, over the said countries and dominions, and the people thereof, shall be in the *Lord Protector*, assisted with a Council; the number whereof shall not exceed twenty-one, nor be less than thirteen.

III. That all writs, processes, commissions, patents, grants, and other things, which now run in the name and stile of the *Keepers of the Liberty of England*, by authority of Parliament, shall run in the name and stile of the *Lord Protector*; from whom, for the future, shall be derived all magistracy and honours, in these three nations; and shall have the power of pardons (except in case of murder and treason), and benefit of all forfeitures, for the public use; and shall govern the said countries and dominions, in all things, by the advice of the Council, and according to these presents and the laws.

IV. That the *Lord Protector*, the Parliament sitting, shall dispose and order the militia and forces, both by sea and land, for the peace and good order of the three nations, by consent of Parliament; and that the *Lord Protector*, with the advice and consent of the major part of the Council, shall dispose and order the militia, for the ends aforesaid, in the intervals of Parliament.

V. That the *Lord Protector*, by the advice aforesaid, shall direct, in all things, concerning the keeping and holding of a correspondence with foreign kings, princes, and states; and also with the consent of the major part of the Council, have the power of war and peace.

VI. That the laws shall not be altered, suspended, abrogated, or repealed, nor any new law made, nor any tax, charge, or imposition, laid upon the people, but by common consent in Parliament, save only, as is expressed in the 30th article.

VII. That there shall be a Parliament summoned to meet at *Westminster*, upon the third day of *September*, one thousand, six hundred, fifty-four; and that, successively, a Parliament shall be summoned, once in every third year, to be accounted from the dissolution of the preceding Parliament.

VIII. That neither the Parliament to be next summoned, nor any successive Parliaments, shall, during the time of five months, to be accounted from the day of their first meeting, be adjourned, prorogued, or dissolved, without their own consent.

IX. That, as well the next, as all other successive Parliaments shall be summoned and elected, in manner hereafter expressed; that is to say: The persons to be chosen within *England*, *Wales*, the Isles of *Jersey* and *Guernsey*, and the town of *Berwick upon Tweed*, to sit and serve in Parliament, shall be, and not exceed, the number of four hundred:

dred : the persons to be chosen, within *Scotland*, to sit and serve in Parliament, shall be, and not exceed, the number of thirty : and the persons to be chosen to sit in Parliament, for *Ireland*, shall be, and not exceed the number of thirty.

X. That the persons to be elected to sit in Parliament, from time to time, for the several counties of *England*, *Wales*, the Isles of *Jersey* and *Guernsey*, and the *Town of Berwick upon Tweed*, and all places within the same, respectively, shall be, according to the proportions and numbers hereafter expressed, that is to say :

For the county of Bedford,—six ; viz.

For the town of Bedford,—one ;

For the county of Bedford,—five

For the county of Berks,—seven, viz,

For the borough of Abingdon,—one ;

For the borough of Reading,—one ;

For the county of Berks,—five.

For the county of Bucks,—eight, viz.

For the town of Buckingham,—one ;

For the borough of Aylesbury,—one ;

For the borough of Wiccomb,—one ;

For the county of Bucks,—five.

For the county of Cambridge and Isle of Ely,—eight, viz.

For the town of Cambridge,—one ;

For the university of Cambridge,—one ;

For the isle of Ely,—two ;

For the county of Cambridge,—four.

For the county of Chester,—five, *viz.*

For the city of Chester,—one ;

For the county of Chester,—four ;

For the county of Cornwall,—twelve, *viz.*

For the borough of Dunishwet, otherwise
Launceston,—one ;

For the borough of Truro,—one ;

For the borough of Penryn,—one ;

For the boroughs of Eastlow and Westlow,—
one ;

For the county of Cornwall,—eight.

For the county of Derby,—five, *viz.*

For the town of Derby,—one ;

For the county of Derby,—four.

For the county of Devon,—twenty, *viz.*

For the city of Exeter,—two ;

For the borough of Plymouth,—two ;

For the boroughs of Dartmouth, Clifton, &
Hardnefs,—one ;

For the borough of Totnefs,—one ;

For the borough of Barnstable,—one ;

For the borough of Tiverton,—one ;

For the borough of Honiton,—one ;

For the county of Devon,—eleven.

For the county of Durham,—three, *viz.*

For the city of Durham,—one ;

For the county of Durham,—two,

For the county of York,—twenty-two, *viz.*

For the city of York,—two ;

For the town of Kingston upon Hull,—one ;

For the borough of Beverley,—one ;

For the borough of Scarborough,—one ;

For the borough of Richmond,—one ;

For the town of Leeds,—one ;

For the town and parish of Hallifax,—one ;

For the county of York,—fourteen ; to be
chosen distinctly by the three Ridings ;
that is to say ; for the West Riding, six ;
for the East Riding four ; for the North
Riding,—four.

For the county of Essex—sixteen, *viz.*

For the borough of Maldon,—one ;

For the borough of Colchester,—two ;

For the county of Essex,—thirteen.

For the county of Gloucester, and the county of
the city of Gloucester,—nine, *viz.*

For the city of Gloucester,—two ;

For the borough of Tewksberry,—one ;

For the borough of Cirencister,—one ;

For the county, and the county of the city of
Gloucester, except the said city,—five.

For the county of Hereford,—seven, *viz.*

For the city of Hereford,—one ;

For the borough of Leominster,—one ;

For the county of Hereford,—five.

For the county of Hertford,—seven, *viz.*

For the town of St. Albans,—one ;

For

For the borough of Hertford,—one ;
For the county of Hertford,—five.

For the county of Huntingdon,—four, *viz.*
For the borough of Huntingdon,—one ;
For the county of Huntingdon,—three.

For the county of Kent,—eighteen, *viz.*
For the city of Canterbury,—two ;
For the city of Rochester,—one ;
For the borough of Maidstone,—one ;
For the port of Dover,—one ;
For the port of Sandwich,—one ;
For the borough of Queenborough,—one ;
For the county of Kent,—eleven.

For the county of Lancaster,—eight, *viz.*
For the borough of Preston, in Andernefs,—
one ;
For the borough of Lancaster,—one ;
For the borough of Liverpool,—one ;
For the town and parish of Manchester,—one ;
For the county of Lancaster,—four.

For the county of Leicester,—six, *viz.*
For the borough of Leicester,—two ;
For the county of Leicester,—four.

For the county of Lincoln,—fifteen, *viz.*
For the city of Lincoln,—two ;
For the town of Boston,—one ;
For the borough of Grantham,—one ;
For the town of Stamford,—one ;

For

For the town of Great Grimsby,—one ;
For the county of Lincoln,—ten.

For the county of Middlesex,—six, *viz.*
For the city of Westminster,—two ;
For the county of Middlesex,—four.

For the city of London,—six.

For the county of Monmouth,—three.

For the county of Norfolk,—sixteen, *viz.*
For the city of Norwich,—two ;
For the town of Lynn-Regis,—two ;
For the town of Great Yarmouth,—two ;
For the county of Norfolk,—ten.

For the county of Northampton,—eight, *viz.*
For the city of Peterborough,—one ;
For the town of Northampton,—one ;
For the county of Northampton,—six.

For the county of Nottingham,—six, *viz.*
For the town of Nottingham,—two ;
For the county of Nottingham,—four.

For the county of Northumberland,—five, *viz.*
For the town of Newcastle-upon-Tyne,—one ;
For the town of Berwick,—one ;
For the county of Northumberland,—three.

For the county of Oxford,—eight, *viz.*
For the city of Oxford,—one ;
For the university of Oxford,—one ;

For

For the borough of Woodstock,—one ;
For the county of Oxford,—five.

For the county of Rutland,—two.

For the county of Salop,—eight, *viz.*
For the town of Shrewsbury,—two ;
For the borough of Burges, alias Bridg-
north,—one ;
For the borough of Ludlow,—one ;
For the county of Salop,—four.

For the county of Stafford,—six, *viz.*
For the city of Litchfield,—one ;
For the town of Stafford,—one ;
For the borough of Newcastle-under-Lyne,—
one ;
For the county of Stafford,—three.

For the county of Somerset,—sixteen, *viz.*
For the borough of Taunton,—two ;
For the city of Bath,—one ;
For the city of Wells,—one ;
For the borough of Bridgewater,—one ;
For the county of Somerset,—eleven.

For the city of Bristol,—two.

For the county of Southampton,—fourteen, *viz.*
For the city of Winchester,—one ;
For the town of Southampton,—one ;
For the town of Portsmouth,—one ;
For the Isle of Wight,—two ;

For

For the borough of Andover,—one ;
For the county of Southampton,—eight.

For the county of Suffolk,—sixteen, *viz.*
For the borough of Ipswich,—two ;
For the borough of Berry St. Edmund's,—
two ;
For the borough of Dunwich,—one ;
For the borough of Sudbury,—one ;
For the county of Suffolk,—ten.

For the county of Surry,—ten, *viz.*
For the borough of Southwark,—two ;
For the borough of Guildford,—one ;
For the borough of Rygate,—one ;
For the county of Surry,—fix.

For the county of Suffex,—fourteen, *viz.*
For the city of Chichester,—one ;
For the borough of Lewes,—one ;
For the borough of East Grinstead,—one ;
For the borough of Arundel,—one ;
For the borough of Rye,—one ;
For the county of Suffex,—nine.

For the county of Westmoreland,—two.

For the county of Warwick,—seven, *viz.*
For the city of Coventry,—two ;
For the borough of Warwick,—one ;
For the county of Warwick,—four.

For

For the county of Worcester,—seven, *viz.*

For the city and county of the city of Worcester,—two;

For the county of Worcester,—five.

For the county of Wilts,—fourteen, *viz.*

For the city of New Sarum,—two;

For the borough of Marlborough,—one;

For the borough of the Devizes,—one;

For the county of Wilts,—ten.

For the county of Anglesea,—two.

For the county of Brecon,—two.

For the county of Cardigan,—two.

For the county of Caermarthen,—two.

For the county of Caernarvon,—two.

For the county of Denbigh,—two.

For the county of Flint,—two.

For the county of Glamorgan,—three, *viz.*

For the town of Cardiffe,—one;

For the county of Glamorgan,—two.

For the county of Merinoth,—one.

For the county of Montgomery,—two.

For the county of Pembroke,—three, *viz.*

For the town of Haverfordwest,—one ;

For the county of Pembroke,—two.

For the county of Radnor,—two.

The distribution of the Persons to be chosen for *Scotland*, and the several counties, cities, and places, within the same, shall be according to such proportions and number, as shall be agreed upon, and declared by the *Lord Protector*, and the major part of the Council, before the sending forth writs of summons for the next Parliament. The distribution of the persons to be chosen for *Ireland*, and the several counties, cities, and places, within the same, shall be according to such proportions and number, as shall be agreed upon, and declared, by the *Lord Protector* and the major part of the Council, before the sending forth writs of summons for the next Parliament.

XI. That the summons to Parliament shall be, by writ, under the great seal of *England*, directed to the sheriffs of the several and respective counties, with such alteration as may suit with the present government, to be made by the *Lord Protector* and his Council, which the chancellor, keeper, or commissioners of the great seal, shall seal, issue, and send abroad, by warrant from the *Lord Protector*. If the *Lord Protector* shall not give warrant for issuing of writs of summons for the next Parliament, before the first day of *June*, one thousand, six hundred, fifty-four, or for the triennial Parliaments, before the first day of *August*, in every

third year, to be accounted, as aforesaid, that then the chancellor, keeper, or commissioners of the great seal, for the time being, shall, without any warrant or direction, within seven days after the said first day of *June*, one thousand, six hundred, fifty-four, seal, issue, and send abroad writs of summons (changing therein what is to be changed as aforesaid), to the several and respective sheriffs of *England*, *Scotland*, and *Ireland*, for summoning the Parliament to meet at *Westminster*, the third of *September* next; and shall likewise, within seven days after the said first day of *August*, in every third year, to be accounted from the dissolution of the precedent Parliament, seal, issue, and send abroad, several writs of summons, changing therein, what is to be changed, as aforesaid, for summoning the Parliament to meet at *Westminster*, the 6th of November, in that third year. That the said several and respective sheriffs shall, within ten days after the receipt of such writs, as aforesaid, cause the same to be proclaimed and published in every market town within his county, upon the market days thereof, between twelve and three of the clock; and shall then also publish and declare, the certain day of the week and month, for choosing members to serve in Parliament, for the body of the said county, according to the tenor of the said writ, which shall be on *Wednesday*, five weeks after the date of the writ; and shall likewise declare the place where the election shall be made; for which purpose, he shall appoint the most convenient place for the whole county to meet in, and shall send precepts, for elections to be made in all and every city, town, borough, or place, within
his

his county, where elections are to be made, by virtue of these presents, to the mayor, sheriff, or other head officer of such city, town, borough, or place, within three days after the receipt of such writ and writs; which the said mayors, sheriffs, and officers, respectively, are to make publication of, and of the certain day, for such elections to be made in the said city, town, or place, aforesaid, and to cause elections to be made, accordingly.

XII. That at the day and place of elections, the sheriff of each county, and the said Mayors, sheriffs, bailiffs, and other head officers, within their cities, towns, boroughs, and places respectively, shall take view of the said elections, and shall make return into the chancery, within twenty days after the said elections, of the persons elected by the greater number of electors, under their hands and seals, between him, on the one part, and the electors, on the other part; wherein shall be contained, that the persons elected shall not have power to alter the government, as it is hereby settled, in one single person and a Parliament.

XIII. That the sheriff who shall, wittingly and willingly, make any false return, or neglect his duty, shall incur the penalty of two thousand marks of lawful *English* money; and one moiety to the *Lord Protector*, and the other moiety to such persons as will sue for the same.

XIV. That all and every person and persons, who have aided, advised, assisted, or abetted, in any war against the Parliament, since the first day

day of *January*, one thousand, six hundred, forty-one (unless they have been since in the service of the Parliament, and given signal testimony of their good affections thereunto), shall be disabled, and be incapable to be elected, or to give any vote, in the election of any members to serve in the next Parliament, or in the three succeeding triennial Parliaments.

XV. That all such who have advised, assisted, or abetted the rebellion of *Ireland*, shall be disabled and incapable, for ever, to be elected, or to give any vote, in the election of any member to serve in Parliament; as also, all such who do, or shall profess the Roman Catholic religion.

XVI. That all votes and elections given or made, contrary, or not according to these qualifications, shall be null and void; and if any person, who is hereby made incapable, shall give his vote, for election of members to serve in Parliament, such person shall lose and forfeit one full year's value of his real estate, and one full third part of his personal estate; one moiety thereof to the *Lord Protector*, and the other moiety to him, or them, who shall sue for the same.

XVII. That the Persons who shall be elected to serve in Parliament, shall be such, (and no other than such) as are persons of known integrity, fearing God, and of good conversation, and being of the age of one and twenty years.

XVIII. That all and every person and persons, seized or possessed to his use, of any estate,
real

real or personal, to the value of two hundred pounds, and not within the aforesaid exceptions, shall be capable to elect members to serve in Parliament for counties.

XIX. That the chancellor, keeper, or commissioners of the great seal, shall be sworn, before they enter into their offices, truly and faithfully to issue forth, and send abroad, writs of summons to Parliaments, at the times, and in the manner before expressed; and in case of neglect or failure to issue and send abroad writs accordingly, he or they shall, for every such offence, be guilty of high treason, and suffer the pains and penalties thereof.

XX. That in case writs be not issued out, as is before expressed, but that there be a neglect therein, fifteen days after the time wherein the same ought to be issued out by the chancellor, keeper, or commissioners of the great seal, that then the Parliament shall, as often as such failure shall happen, assemble and be held at *Westminster*, in the usual place, at the times prefixed, in manner, and by the means hereafter expressed; that it is to say, that the sheriffs of the severall and respective counties, sherriffdoms, cities, boroughs, and places aforesaid, within *England, Wales, Scotland, and Ireland*, the chancellor, masters, and scholars, of the universities of *Oxford* and *Cambridge*, and the mayor and bailiffs of the borough of *Berwick upon Tweed*, and other the places aforesaid, within thirty days after the said fifteen days, cause such members to be chosen, for their severall and respective counties,

shrieve-

shrievedoms, universities, cities, boroughs, and places aforesaid, by such persons, and in such manner, as if several and respective writs of summons to Parliament, under the great seal, had been issued and awarded, according to the tenor aforesaid, That if the sheriff, or other persons, authorised, shall neglect his or their duty herein, that all and every such sheriff and person, authorised as aforesaid, so neglecting his or their duty, shall, for every such offence, be guilty of high treason, and shall suffer the pains and penalties hercof.

XXI. That the clerk, called the *Clerk of the Commonwealth*, in *Chancery*, for the time being, and all others, who shall afterwards execute that office, to whom the returns shall be made, shall, for the next Parliament, and the two succeeding triennial parliaments, the next day after such return, certify the names of the several persons so returned, and of the places for which he and they were chosen, respectively, unto the Council, who shall peruse the said returns, and examine whether the persons, so elected and returned, be such as is agreeable to the qualifications, and not disabled to be elected. And that every person and persons, being so duly elected, and being approved of by the major part of the Council, to be persons not disabled, but qualified as aforesaid, shall be esteemed a member of Parliament, and be admitted to sit in Parliament, and not otherwise.

XXII. That the persons chosen and assembled

bled, in manner aforesaid, or any fixty of them, shall be, and be deemed the Parliament of *England, Scotland, and Ireland*; and the supreme legislative power to be, and reside in the *Lord Protector*, and such Parliament, in manner herein expressed.

XXIII. That the *Lord Protector*, with the advice of the major part of the Council, shall, at any other time than is before expressed, when the necessities of the state shall require it, summon Parliaments, in manner before expressed, which shall not be adjourned, prorogued, or dissolved, without their own consent, during the first three months of their sitting. And in case of future war with any foreign state, a Parliament shall be forthwith summoned, for their advice, concerning the same.

XXIV. That all bills, agreed unto by the Parliament, shall be presented to the *Lord Protector*, for his consent. And in case he shall not give his consent thereto, within twenty days after they shall be presented to him, or give satisfaction to the Parliament, within the time limited, that then, upon declaration of the Parliament, that the *Lord Protector* hath not consented, nor given satisfaction, such bills shall pass into, and become laws, although he shall not give his consent thereunto; provided such bills contain nothing in them, contrary to the matters contained in these presents.

XXV. That *Philip*, Lord viscount *Lisle*,
Charles Fleetwood, esquire, *John Lambert*, esquire,
Sir Gilbert Pickering, baronet, *Sir Charles Wolseley*,
bb baronet,

baronet, Sir *Anthony Ashley-Cooper*, baronet, *Edward Montague*, esquire, *John Desborow*, esquire, *Walter Strickland*, esquire; *Henry Lawrence*, esquire; *William Sydenham*, esquire, *Philip Jones*, esquire, *Richard Major*, esquire, *Francis Rous*, *Philip Skippon*, esquires, or any seven of them, shall be a Council, for the purposes expressed in this writing. And, upon the death, or other removal of any of them, the Parliament shall nominate six persons of ability, integrity, and fearing God, for every one that is dead or removed; out of which, the major part of the Council shall elect two, and present them to the *Lord Protector*; of which he shall elect one. And in case the Parliament shall not nominate, within twenty days after notice given unto them thereof, the major part of the Council shall nominate three, as aforesaid, to the *Lord Protector*, who out of them shall supply the vacancy; and until this choice be made, the remaining part of the Council shall execute, as fully, in all things, as if their number were full. And in case of corruption, or other miscarriage, in any of the Council in their trust, the Parliament shall appoint seven of their numbers, and the Council six, who, together with the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, for the time being, shall have power to hear and determine such corruption and miscarriage, and to award and inflict punishment, as the nature of the offence shall deserve; which punishment shall not be pardoned or remitted by the *Lord Protector*. And in the interval of Parliaments, the major part of the Council, with the consent of the *Lord Protector*, may, for corruption, or other miscarriage, as aforesaid, suspend any of their number from the exercise of their

their trust, if they shall find it just, until the matter shall be heard and examined as aforesaid.

XXVI. That the *Lord Protector*, and the major part of the Council, aforesaid, may, at any time, before the meeting of the next Parliament, add to the Council such persons as they shall think fit; provided the number of the Council be not made, thereby, to exceed one and twenty; and the *quorum* to be proportioned accordingly by the *Lord Protector*, and the major part of the Council.

XXXII. That a constant yearly revenue shall be raised, settled, and established, for maintaining of ten thousand horse and dragoons, and twenty thousand foot, in *England, Scotland, and Ireland*, for the defence and security thereof, and also for a convenient number of ships, for guarding of the seas; besides two thousand pounds *per annum*, for defraying the other necessary charges for administration of justice, and other expences of the government; which revenue shall be raised by the customs, and such other ways and means, as shall be agreed upon by the *Lord Protector* and Council; and shall not be taken away or diminished, nor the way agreed upon for raising the same altered, but by the consent of the *Lord Protector* and the Parliament.

XXVIII. That the said yearly revenue shall be paid into the public treasury, and shall be issued out for the uses aforesaid.

XXIX. That in case there shall not be cause, hereafter, to keep up so great a defence, at land or sea, but that there may be an abatement made thereof, the money which will be saved thereby, shall remain in bank, for the public service, and not be employed to any other use, but by consent of Parliament, or in the intervals of parliament, by the *Lord Protector*, and major part of the Council.

XXX. That the raising of money, for defraying the charge of present extraordinary forces, both at land and sea, in respect of the present wars, shall be by consent, in Parliament, and not otherwise; save only that the *Lord Protector*, with the consent of the major part of the Council, for preventing the disorders and dangers which may otherwise fall out both at sea and land, shall have power, until the meeting of the first Parliament, to raise money for the purposes aforesaid, and also to make laws and ordinances, for the peace and welfare of these nations, where it shall be necessary, which shall be binding and in force, until order shall be taken in Parliament, concerning the same.

XXXI. That the lands, tenements, rents, royalties, jurisdictions, and hereditaments, which remain yet unsold or undisposed of, by act or ordinance of Parliament, belonging to the Commonwealth (except the forests and chaces, and the honours and manors belonging to the same; the lands of the rebels in *Ireland*, lying in the four counties of *Dublin*, *Cork*, *Kildare*, and *Katerlough*,
the

the lands forfeited by the people of *Scotland*, in the late wars, and also the lands of papists and delinquents in *England*, who have not yet compounded) shall be vested in the *Lord Protector*, to hold, to him and his successors, *Lord Protectors* of these nations, and shall not be aliened but by consent in Parliament: And all debts, fines, issues, amerciaments, penalties, and profits, certain and casual, due to the keepers of the liberties of *England*, by authority of Parliament, shall be due to the *Lord Protector*, and be payable into his public receipt, and shall be recovered and prosecuted in his name.

XXXII. That the office of the *Lord Protector* over these Nations, shall be elective, and not hereditary; and upon the death of the *Lord Protector*, another fit person shall be forthwith elected, to succeed him in the government, which election shall be by the Council; who, immediately upon the death of the *Lord Protector*, shall assemble in the Chamber, where they usually sit in Council; and having given notice to all their number, of the cause of their assembling, shall, being thirteen at least present, proceed to the election; and before they depart out of the said Chamber, shall elect a fit person to succeed in the government, and forthwith cause proclamation thereof to be made, in all the three nations, as shall be requisite: And the person that they, or the major part of them, shall elect, as aforesaid, shall be, and shall be taken to be, *Lord Protector* over these nations of *England*, *Scotland*, and *Ireland*, and the dominions thereto belonging; provided that none of

of the children of the late King, nor any of his line or family, be elected to be *Lord Protector*, or other chief magistrate, over these nations, or any of the dominions thereto belonging. And until the aforesaid election be past, the council shall take care of the government, and administer, in all things, as fully as the *Lord Protector*, or the *Lord Protector* and Council, are enabled to do.

XXXIII. That *Oliver Cromwell*, Captain General of the Forces of *England*, *Scotland*, and *Ireland*, shall be, and it is hereby declared to be, *Lord Protector of the Commonwealth of England, Scotland, and Ireland*, and the dominions thereto belonging, for his life.

XXXIV. That the Chancellor, Keeper, or Commissioners of the Great Seal, the Treasurer, Admiral, Chief Governors of *Ireland* and *Scotland*, and the Chief Justices of both the benches, shall be chosen by the approbation of Parliament, and in the intervals of Parliament, by the approbation of the major part of the Council, to be afterwards approved by the Parliament.

XXXV. That the christian religion, contained in the Scriptures, be held forth and recommended, as the public profession of these nations; and that as soon as may be, a provision, less subject to scruple and contention, and more certain than the present, be made for the encouragement and maintenance of able and painful teachers, for instructing the people, and for discovery and confutation of error, heresy, and what-
ever

ever is contrary to sound doctrine: and that, until such provision be made, the present maintenance shall not be taken away nor impeached.

XXXVI. That to the public profession held forth, none shall be compelled, by penalties or otherwise; but that endeavours be used to win them, by sound doctrine and the example of a good conversation.

XXXVII. That such as profess faith in God, by Jesus Christ (though differing in judgment from the doctrine, worship, or discipline, publickly held forth) shall not be restrained from, but shall be protected in the profession of the faith, and exercise of their religion, so as they abuse not this liberty, to the civil injury of others, and to the actual disturbance of the public peace, on their parts; provided this liberty be not extended to popery or prelacy, nor to such as, under the profession of Christ, hold forth and practise licentiousness.

XXXVIII. That all laws, statutes, ordinances, and clauses in any law, statute, and ordinance, to the contrary of the aforesaid liberty, shall be esteemed as null and void.

XXXIX. That the acts and ordinances of parliament, made for the sale, or other disposition of the lands, rents, and hereditaments, of the late King, Queen, and Prince, of archbishops and bishops, &c. deans and chapters, the lands of delinquents, and forest lands, or any of them; or
of

of any other lands, tenements, rents, and hereditaments, belonging to the Commonwealth, shall no way be impeached or made invalid, but shall remain good and firm; and that the securities given by act and ordinance of Parliament, for any sum or sums of money, or by any of the said lands, the excise, or by any other public revenue; and also the securities given by the public faith of the nation; and the engagement of the public faith, for satisfaction of debts and damages; shall remain firm and good, and not be made void and invalid, upon any pretence whatsoever.

XL. That the articles given to, or made with, the enemy, and afterwards confirmed by parliament, shall be performed and made good to the persons concerned therein. And that such appeals as were depending in the last parliament, for relief, concerning bills of sale of delinquents estates, may be heard and determined, the next parliament, any thing in this writing, or otherwise, to the contrary notwithstanding.

XLI. That every successive *Lord Protector* over these nations, shall take and subscribe a solemn oath, in the presence of the Council, and such others as they shall call to them, That he will seek the peace, quiet, and welfare of these nations; cause law and justice to be equally administered; and that he will not violate or infringe the matters and things contained in this writing; and in all other things will, to his power, and to the best of his understanding, govern these nations, according to the laws, statutes, and customs.

XLII. That each person of the Council shall, before they enter upon their trust, take and subscribe an oath, That they will be true and faithful in their trust, according to the best of their knowledge; and that, in the election of every successive *Lord Protector*, they shall proceed therein impartially, and do nothing therein, for any promise, fear, favour, or reward.

The oath taken by His Highness, OLIVER CROMWELL, Lord Protector.

Whereas, the major part of the last Parliament (judging that their sitting any longer, as then constituted, would not be for the good of this commonwealth) did dissolve the same, and, by a writing under their hands, dated the twelfth day of this instant, *December*, resigned unto me their powers and authorities; and whereas it was necessary thereupon, that some speedy course should be taken for the settlement of these nations, upon such a basis and foundation, as, by the blessing of God, might be lasting, secure property, and answer those great ends of religion and liberty, so long contended for; and upon full and mature consideration had, of the form of government hereunto annexed, being satisfied, that the same, through Divine assistance, may answer the ends aforementioned; and having also been desired and advised, as well by several persons of interest and fidelity in this Commonwealth, as the officers of the army, to take upon me the protection and government of these nations, in the manner expressed in the said form of government, I have

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accepted

accepted thereof, and do hereby declare my acceptance accordingly ; and do promise, in the presence of God, that I will not violate or infringe the matters and things contained therein, but, to the utmost of my power, observe the same, and cause them to be observed ; and shall, in all other things, to the best of my understanding, govern these nations, according to the laws, statutes, and customs, seeking their peace, and causing justice and law to be equally administered.

. (Signed) O. CROMWELL.

Oliver Cromwell, Captain General of all the Forces of this Commonwealth, and now declared Lord Protector thereof, did, this 16th day of December, 1653, sign this writing, and solemnly promise, as is therein contained, in the presence of the Lords Commissioners of the Great Seal of England, who administered the same oath, and of the Lord Mayor and Aldermen of the city of London, divers of the Judges of the land, the Officers of State and Army, and many other persons of quality.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX No. XXVII.

EXTRACTS from a Book marked, USURPER'S
COUNCIL BOOK, T. t. 1.

20th Jan. 1653-4.

An ordinance for uniting the people of Scotland into one Comonwealth with England, was this day read, the first & second tyme, and comitted to the Committee, who brought in the same, to consider of the clauses not yet perfected. Page 61.

23d Jan. 1654

The ordinance for uniting Scotland with England was, with the alterations made by the Committee, reported by Major Gen. Lambert, and was this day read & agreed, & ordered to be presented to his Highness, as the advice of his Council; & the President did accordingly present the same to his Highness. Page 63.

2d Feb. 1653-4

The ordinance for uniting Scotland into one Comonwealth with England, was this day read & debated, and one clause, concerning mottos, being, by order, upon the question, omitted, the ordinance, soe amended, was ordered to be ingrossed. Page 87.

April 12, 1654.

The ordinance for uniting Scotland into one Commonwealth with England, was also read the third time, and the blanks filled up at the table, & thereupon passed by his Highnesse, the Lord Protector, with consent of the Council. Page 239.

EXTRACT from SCOBELL'S COLLECTION,
Page 293, CAP. 9.

Scotland made one Commonwealth with England.

His Highness, the Lord Protector of the Commonwealth of England, Scotland, and Ireland, &c. taking into consideration, how much it might conduce to the glory of God, & the peace and welfare of the people in this whole Island, that after all those late and unhappy wars and differences, the people of Scotland should be united with the people of England, into one Comonwealth, and under one government; & finding that, in December 1651, the Parliament, then setting, did send Commissioners into Scotland, to invite the people of that nation unto such a happy union, who proceeded so far therein, that the shires & burroughs of Scotland, by their deputies, convened at Dalkeith, and again at Edenburgh, did accept of the said union, & assent thereunto. For the compleating & perfecting of which Union, Be it ordained, and it is ordained by

by his Highness, the Lord Protector of the Commonwealth of England, Scotland, & Ireland, and the dominions thereto belonging, by and with the advise and consent of his Council, That all the people of Scotland, & of the Isles of Orkney & Zethland, and of all the dominions & territories belonging unto Scotland, are and shall be, and are hereby incorporated into, constituted, established declared, and confirmed, one Commonwealth with England, And, in every Parliament to be held, successively, for the said Commonwealth, thirty persons shall be called from, and serve for Scotland.

And for the more effectual preservation of this union, and the freedome and safety of the people of this Commonwealth, so united, be it ordained, and it is ordained, by the authority aforesaid, That all the people of Scotland, and of the Isles of Orkney & Zethland, and of all the dominions and territories belonging to Scotland, of what degree or condition soever, be discharged of all fealty, homage, service, & allegiance, which is, or shall be pretended, due unto any of the issue and posterity of Charles Stuart, late King of England & Scotland, or any claiming under him: And that Charles Stuart, eldest son, and James, called Duke of York, second son, and all other the issue & posterity of the said late King, and all & every person & persons pretending title from, by, or under him, are and be disabled to hold or enjoy the crown of Scotland, and other the dominions thereunto belonging, or any of them, or to have the name, title, stile,
or

or dignity of King or Queen of Scotland, or to enjoy the power & dominion of the said kingdom & dominions, or any of them, or the honors, manors, lands, tenements, possessions, and hereditaments, belonging or appertaining to the said Crown of Scotland, or other the dominions, aforesaid, or to any of them; any law, statute, usage, ordinance, or custom, in Scotland, to the contrary hereof, in any wise notwithstanding.

And it is further ordained, by the authority aforesaid, That the said office, stile, dignity, power, and authority of King of Scotland, and all right of the three estates of Scotland, to convocate and assemble in any general convocation or parliament, and all conventional and parliamentary authority in Scotland, as formerly established, and all laws, usages, and customs, ordaining, constituting, or confirming the same, shall be, and are hereby, and from henceforth, abolished and utterly taken away, & made null & void.

And that this union may take its more full effect & intent, Be it further ordained, by the authority aforesaid, That the arms of Scotland, viz. a cross, commonly called St. Andrew's Cross, be received into, and born from henceforth, in the arms of this Commonwealth, as a badge of this Union; and that all the public seals, seals of office, and seals of bodies, civil or corporate, in Scotland, which heretofore carried the arms of the Kings of Scotland, shall, from henceforth, instead thereof, carry this arms of the Commonwealth.

And

And be it further ordained, by the authority aforesaid, That all customs, excise, and other imposts, for goods transported from England to Scotland, and from Scotland to England, by sea or land, are and shall be, so far taken off and discharged, as that all goods, for the future, shall pass as free, and with like priviledges, and with the like charges and burthens, from England to Scotland, and from Scotland to England, as goods passing from port to port, or place to place, in England; and that all goods shall and may pass between Scotland, and any other part of this Commonwealth, or dominions thereof, with the like priviledges, freedom, and charges, as such goods, do or shall pass between England, and the said parts and dominions; any law, statute, usage, or customs, to the contrary hereof, in any wise notwithstanding: And that all goods, prohibited by any law, now in force in England, to be transported out of England to any forrein parts, or imported, shall be, and hereby are prohibited to be transported or imported, by the same law, and upon the same penalties, out of Scotland, to any forrein parts aforesaid, or from any forreign parts into Scotland.

And be it further ordained, by the authority aforesaid, That all cesses, publique impositions, and taxations, whatsoever, be imposed, taxed, and levied, from henceforth, proportionably, from the whole people of the Commonwealth, soe united.

And

And further, to the end that all dominion of tenures, and superiorities, importing servitude and vassalage, may likewise be abolished in Scotland, Be it further declared and ordained, by the authority aforesaid, That all heritors, proprietors, and possessors of lands, in Scotland, or the dominions thereunto belonging, and their heirs, shall, from and after the twelfth day of April, in the year of our Lord 1654, hold their respective lands, of the respective Lord and Lords, by deed, charter, patent, or enfeoffment, to be renewed upon the death of every heritor, proprietor, or possessor (as now they do), to his heir or heirs, by and under such yearly rents, boons, and annual services, as are mentioned or due, by any deeds, patents, charters, or enfeoffments, now in being, of the respective lands therein expressed, or by vertue thereof enjoyed, without rendering, doing, or performing, any other duty, service, vassalage, or demand, whatsoever, by reason or occasion of the said lands, or any the clauses or covenants in the said deeds, charters, patents, or enfeoffments, contained; saving what is hereafter, herein and hereby particularly expressed and declared, that is to say, heriots, where the same are due, fines (certain where the same is already certain, and where the fines is uncertain, reasonable fines) upon the death of the lord, and upon the death or alienation of the tenant, or any of them, where the same have usually been paid, which said fine (not being already certain) shall not, at any time, exceed one year's value of the lands, and also doing suit and service to such court and courts baron, as shall be constituted in Scotland, in such manner

as is ordained by one other ordinance, entituled,
An ordinance for erecting Courts Baron in Scotland.

And be it ordained, by the authority afore-
said, That all and every the heritors, proprietors,
and possessors afore said, and their heirs, are and
shalbe, from henceforth, for ever, discharged of
all fealty, homage, vassallage, and servitude, which
is or shall be pretended, due from them, or any of
them, unto any their lords, or superiors, whatso-
ever, claiming dominion or jurisdiction over them,
by vertue of the said patents, charters, deeds, or
enfeoffment, and other rights thereof, or of any
clauses or conditions therein contained, other then
is before declared and ordained: And that all
the said superiorities, lordships, and jurisdictions
(other than as afore said), shall be, and are hereby
abolished, taken off, and discharged; and that all
and every the said deeds, patents, charters, and
enfeoffments, in that behalf, be and are hereby de-
clared and made so far void and null: And parti-
cularly, That all and every the heritors, and
others, the persons afore said, and heirs, are and
shall be, for ever hereafter, freed and discharged
of and from all suits, and appearing at or in any
of their lords, or superiors courts of justiciary,
regality, stewartry, barony, bayliary, heritable
sheriffship, heritable admiralty, all which, to-
gether with all other offices, heritable or for life,
are hereby abolished and taken away; and that all
and every the heritors and persons afore said, and
their heirs, are and shall be, for ever hereafter,
freed and discharged, of and from all military
service, and personal attendance, upon any their
d d lords

lords or superiors, in expeditions or travels, and of all casualities of wards, lands formerly held of the king, or other superiors, and of the marriage, single and double, avail thereof, non entries, compositions for entries, and of all rights and casualities, payable if they be demanded onely, or upon the committing of any clauses irritant: And that the said heritors, and persons aforesaid, be now, and from henceforth, construed, reputed, adjudged, and declared, free and acquitted thereof, and of and from all and all manner of holding suits, duties, services, personal or real, and demands, whatsoever, (other than is before declared and ordained), notwithstanding the present tenor of any of their deeds, patents, enfeoffments, or any clauses, articles, or covenants, therein contained or mentioned, to the contrary, in any wise: And that, in time to come, all and every clause, covenant, article, condition, or thing, to the contrary hereof, shall be omitted out of all such deeds, patents, charters, and enfeoffments.

And be it further ordained, That all forfeitures, escheats, simple or of life rent, bastardy, and last heir, which heretofore escheated, forfeited, and fell to the King, lords of regality, or other superiors, shall, from henceforth, fall escheat and forfeit to the Lord Protector of the Comonwealth, for the time being.

Passed, 12 April, 1654; confirmed,
Anno 1656, Cap. 10.

EXTRACTS

EXTRACTS from a Book marked, USURPER'S
COUNCIL BOOK. T. t. I.

April 22, 1654.

Ordered, That the several ordinances, concerning Scotland, viz^t. the act of pardon and grace to the people of Scotland, the ordinance for uniting Scotland into one comonwealth with England, the ordinance for erecting courts baron in Scotland, be sent to the Commander in Chief in Scotland, and that he be required, forthwith, to cause the same to be published, in all the shires in Scotland. Page 256.

Major Generall Lambert reports to the Council, what had bene propounded, for the subdivision of twenty persons, allotted for the proportions of the shires in *Scotland*, amongst the said shires, with the places to meet for their respective elections; viz.

<i>Shires.</i>		<i>Numb of Men.</i>	<i>Place of meeting.</i>
Orkney - -	}	- - 1 - -	Caithness
Zethland - -			
Caithness - -			
Sutherland - -	}	- - 1 - -	Ross.
Ross - -			
Cromarti - -			
Inverness - -		- - 1 - -	Thosume.
		d d 2	Elgin

<i>Shires.</i>	<i>Numb of Men.</i>	<i>Place of Meeting.</i>
Elgin - - - }	- - 1 }	- Elginshire.
Nairne - - - }	- - 1 }	
Bamph - - - }	- - 1 }	
Aberdene - - - }	- - 1 }	
Kincardine - - }	- - 1 -	- Forfarr.
Forfarr - - - }	- - 1 -	
Fife - - - }	- - 1 }	- Fife.
Kinross - - - }	- - 1 }	
Perth - - - }	- - 1 }	
Linlithgow - - }	- - 1 -	- Sterling.
Sterling - - - }	- - 1 -	
Clackmannan - - }	- - 1 -	- Dumbarton.
Dunbarton - - }	- - 1 -	
Argyle - - - }	- - 1 -	
Bute - - - }	- - 1 -	- Airedshire.
Aire - - - }	- - 1 -	
Renfrew - - - }	- - 1 -	- The same.
Lanerick - - - }	- - 1 -	
Mid Lothian - - }	- - 1 -	- The same.
Berwicke - - - }	- - 1 -	
Roxbrough - - }	- - 1 -	- The same.
Selkirke - - - }	- - 1 }	
Peebles - - - }	- - 1 }	- Peebles.
Dumfrize - - - }	- - 1 }	
Wigton - - - }	- - 1 }	
East Lothian - - }	- - 1 }	

The subdivision of ten persons, allotted for the proportion of the brouchs in Scotland, among the said brouchs, with the places to meet at for their respective Elections, viz.

<i>Brouchs.</i>	<i>Burgeffes.</i>	<i>Places of Meeting.</i>
Dornock - - - }	- - I - -	Inverness.
Taine - - - }		
Inverness - - }		
Dingwall - - }		
Nearne - - - }		
Elginn - - - }		
Forres - - - }	- - I - -	Aberdene.
Bamph - - - }		
Cullen - - - }		
Aberdene - - }	- - I - -	Dundee.
Forfarr - - - }		
Dundee - - - }		
Arbroth - - - }		
Mountroffe - - }		
Breechin - - - }	- - I - -	Sterlinge.
Lithquo - - - }		
Queenesferry - }		
Pearth - - - }		
Culroffe - - - }		
Sterlinge - - - }		

S^t.

<i>Broughs.</i>	<i>Burgeffes.</i>	<i>Places of Meeting.</i>
St. Andrews -	- - 1 -	- Cooper in Fife, being all broughs in that shire.
Dycart - - -		
Kircaldy - - -		
Cooper - - -		
Anstruther East		
Pittenweamb -		
Creel - - -		
Dumfermling -		
Kinghorn - - -		
Anstruther West		
Innerkeething		
Kilrenny - - -		
Brunt Island -		
Edinburgh - -	- - 2	
Lannerk - - -	- - 1 -	- Glasquo.
Glasquo - - -		
Rutherglen -		
Rothsay - - -		
Renfrew - - -		
Aire - - -		
Irwin - - -		
Dunbarton - -		
Dumfreize - -	- - 1 -	- Dumfreize.
Sanclarr - - -		
Lochmaban - -		
Aunand - - -		
Wigtoun - - -		
Kircudbright -		
Whithorne - -		
Galloway - - -		

<i>Broughs.</i>	<i>Burgeffes.</i>	<i>Places of Meeting.</i>
Peebles - -	- - - - -	- - - - - Lauder.
Selkirk - -		
Jeddart - -		
Lauder - -		
N. Berwick -		
Dumbar - -		
Haddington -		

Ordered, That the said subdivision be approved & offered to his Highnesse, as the advise of the Councell.

June 21, 1654.

The formes of writs of elections for Scotland was read, and committed to the Comittee for Scotland; and Mr. Secretary Thurloe is desired to be assisting to the Comittee herein.

June 29, 1654.

That a letter be writt to the Commaunder in Chief of the Forces in Scotland, or in his absence to the Comrs for administration of Justice at Leith. to comend to their care, the sending of the writts for elections in Scotland, according to their directions.—Letters signed the same day.

Sir,

You shall receive, herewith, the writs for elections in Scotland, together with the formes of indentures,

indentures, betweene the sheriffes and electors, wch^r you are desired to cause to be delivered, according to the directions of the severall writs.— Here is also sent copies of the Government of the Comonwealth of England, Scotland, & Ireland, wch^r are to be read at the proclaiming of the writts; the execution whereof is comitted to your care.

(Signed) H. LAWRENCE, P^r.

To General Monck, Com^r in
Chiefe of the Forces in Scotland,
or in his absence, to the Commis-
sioners for administration of
Justice.

EXTRACT from a Book marked, USURPER'S
COUNCILL BOOK.—T. t. 2.

May 4. 1655.

That his Highness be advised, that nine be the number of the Counsell in Scotland.

That it be offered to his Highnesse, as the advice of his Councill, that Gen^l George Monck, the Lord Broghill, Charles Howard, Esqr, William Lockhart, Esqr, John Swynton, Esqr, Adrian Scroop, Esqr, Samuel Disbrowe, Esqr, Nathaniel Whetham, Esqr, & Cooper, Esqr, be the persons to be of the Councill in Scotland.

EXTRACT

EXTRACT from Book marked, USURPER'S
COUNCIL BOOK.—T. t. I.

June 2, 1654.

Major Gen^l Lambert reports to the Council, what had been propounded, as the most convenient way for electing thirty persons, to serve in the next Parliament for *Ireland*, viz.

That the whole countyes of each province be distributed into severall divisions; and that to each division, a place for y^e electors meeting be assigned; and the number of men to be elected for each division, as followeth:

		<i>Division.</i>	<i>N^o. of Men.</i>	<i>Place of Meeting</i>
Province of Linster, 10 men	1	County of Meath	2	Drogheda.
		County of Lowth		
	2	County of Kildare	2	Dublyn.
		County of Wicklow		
		County & City of		
		Dublin - - -		
	3	County of Carlow	2	Carlo.
		County of Wexford		
		County of Kilkenny		
		County of Queenes		
	4	County Westmeath	2	Mullinger
		County Longford		
		County King's		
		e e	County	

	<i>Division.</i>	<i>Nº. of Men.</i>	<i>Place of Meeting.</i>
Province of Ulster, 7 men	I		
	County Downe	2	3 - Belfast.
	County Antrim		
	County Armagh		
	Townes of Carrick-fergus Belfast	1	
	2		
	County Derry	2	3 - Derry.
	County Dungall		
	County Tyrone		
	Townes of Derry Colrane	1	
Munster, 9 men.	3		
	County Cavan	•	1 Ineskellen.
	County Fermanagh		
	County of Monehan		
	I.		
	County Kerry	2	- Rakeal.
	County Limerick		
	County Clare		3 - Limerick.
	Citty & county of the citty of Lymerrick & Kilmallock	1	
	2.		
	County of Corke	1	2 Corke.
	Townes of Corke	1	
	Townes of Youghall	1	
	Townes of Bandon Kinsale	1	
	3.		
	County Tipperary	2	- Clonmel.
	County Waterford		
	Cittyes of Waterford Clonmel	1	3 - Carricke.

County

Division. N^o of Men. Place of Meeting.

Connaught not reck- oning the county of Clare. 4 men.	1.			
	{	County of Sligo.	2	- Jamestowne.
		County Roscommon		
		County Letrym -		
	2.			
	{	County Galloway	2	- Galloway.
		County Mayo -		

Ordered, That the said method be approved of, and offered to his Highnesse, as the advise of his Councill.

June 2, 1654.

That the Commissioners, for ordering & manageing the affaires of Ireland, doe forbear to procede, in the makeing of any new assessment for Ireland, till they shall receive from his Highnesse, or the Councell, further direction, in that behalf, wch they may very shorly expect; and that a letter be signed by the Lord President for that purpose.

June 21, 1654

The formes of writts of eleccions in Ireland was read, & committed to the Comittee for Ireland.

June 29, 1654.

That a letter be writ to the Comrs for manageing of Affaires in Ireland, to comend to
e e 2 their

their care, the sending of the writts for eleccons in Ireland, to the severall sheriffs, &c. according to their directions.

My Lord,

You shall receive, herewith, the writts for eleccons in Ireland, togeather with the formes of indentures betweene the sheriffs & y^e electors, wch^r you are desired to cause to be delivered, according to the directions of the severall writts. Here is also sent copies of the government of the Comonwealth of England, Scotland, & Ireland, wch^r are to be read at the proclayming of the writts; the execution whereof is comitted to your care.

(Signed) H. LAWRENCE, P^r.

To the Comrs^r for manageing
Affaires in Ireland.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XXVIII.

INSTRUCCONS for y^e COUNCELL.

17 August, 1654.

OLIVER P.

INSTRUCTIONS given by us, by the advice of our Councell, to our right, trustie, and right wellbeloved, CHARLES FLEETWOOD, Esq^r. our Deputie in the dominion of IRELAND, and to such other persons, as hereby are nominated and appointed to bee of our Councell, with our Deputie, for the Government of the said Dominion : To continue and be in force, for the space of three Yeares, and noe longer.

It being necessaire, for the good government of the dominion of Ireland, in al affaires thereto belonging, that a Councell be establisht, to assist our Deputie there, in that government, wee, reposing great trust and confidence in the fidelitie, wisdome, and advice, of our trustie and welbeloved,

Pepys, one of the Barons of our Exchequer, William Steele, Serjeant at Lawe, recorder of our citie of London, Robert Hamond, Esq., Myles Corbet, Esqr., Robert Goodwin, Esqr., Mathew Tomlinson,

Tomlinson, Esq^r doe nominate, assigne and appoint them to be of our Councell with our Deputie; and therefore will, that our said Deputie shal vse their advice and counsel, in al affayres concerning the said government, as hereafter shalbe more particularly directed in these instructions. 1st. The principall and first care that wee commit unto our Deputie and Councel, is, that they shal, as well by their owne example, as by such other meanes as they shal judge best, endeavour the promulgation of the Gosple, and the power of true religion and holynes, and the suppression of idolatrie, poperie, superstition, and profanenes in that land. 2. Our Said Deputie, with the advise aforesaid, shall cause a competent maintenance to be settled, and duely paid, out of the publique revenue, where a sufficient provision is not already made, to such ministers and persons, of pious life and conversation, as are fully qualified with gifts for preaching the Gospel, and instructing the people there, in godlines and honestie; and also taking care, that al due encouragement and countenance be given thereunto, by all in authoritie under them, according to an ordinance, entituled, an Ordinance for the further Encouragement of Adventurers for Lands in Ireland, &c. 3. Our Deputie by the advise aforesaid, shal consider of all due ways and meanes, for the advancement of learning, and trayning up of youth, in pietie and literature; and to promote the same, by setting of a convenient maintenance upon fit persons to bee employed therein. 4. Our Deputie, with the advise aforesaid, shall endeavour, by all good wayes and meanes, to settle and preserve the peace of that nation;

nation; and shal have power to commit to pryson, or otherwise restraine, any persons in Ireland, whom they shal judge dangerous to the peace thereof; and to discharge them again out of pryson, when they shal see cause to doe the same: And alsoe to remove from their place of residence or habitation, and to send into England, or into such other places, as our Deputie, by the advise aforesaid, shall thinke fit, any persons whose residence in those parts, where they then inhabite, they shall judge dangerous or prejudicial to the state, or the authoritie thereof, or the peace of this Comonwealth; and give licence to any persons, soe removed, to returne againe to their places of residence or habitacon, at any time when there shal be cause. 5. Our Deputie, by the advise aforesaid, shall take care, that the administration of lawe and justice be duely and uprightly executed in that land, without respect of persons; and to that end, that as neare as the present affaires, and condition of that nation, wil permit, the laws of England be put in execution in Ireland. And that, assoone as may be, the courts of law and equitie, which in the time of the late warre have been discontinued, or such of them as our said Deputie, with the advise aforesaid, shal find necessary for the purposes aforesaid, be settled and established. And further, for the ends before-mentioned, our said Deputie, with the advise aforesaid, is hereby impowered to erect, alter, take away, or continue, any court or courts of justice, or judicature, in any place or places in Ireland, with al rights, powers, jurisdictions, incidents, and allowances; and to issue forth such commissions

sions and deputations, for the execution thereof, as hee, by the advise aforesaid, shal judge needful, and most conducing to the peace and good of that people, and the settling of them in obedience to the present government, until further resolutions shalbe taken therein : And shal cause such seales to be made and used, in the courts of justice, for passing graunts, or transacting proceedings, as are already appointed by Parliament, or shalbe for the future directed by his Highnes in that behalfe. 6. Our Deputie, by the advise aforesaid, is hereby impowered to remove, out of any office or place, of civill government in Ireland, such magistrates, governors, officers, or others, whose places his Highnes hath not by the sixteenth of these instructions, reserved to his owne disposal, as they shal find to be superfluous, or unfit for the trust reposed in them, or to be dangerous to the state, and to place other fit persons in the room of such of them, as shalbe necessary : And likewise to suspend from the execution of any place or office (by the said instruction not reserved to our owne disposition,) such of the magistrates or officers, as they shall see cause, for y^e reasons aforesaid, until they have signified the same, with the grounds of their soe doing, unto us, and shal receive our directions therein. 7. Our said Deputie, by the advise aforesaid, shal take care, that noe papist, or disaffected persons, be intrusted with, or any way employed, in the administration of justice, or in any office or place of trust ; and that noe papist be permitted to practise as counsellors at law, attorneys, or sollicitors, nor to keepe schooles, for the trayneing up of youth. 8. Our Deputie,

Deputie, by the advise aforesaid, shal take care of, and have a speciall regard, unto the publique revennue of that nation; wherein our pleasure is, that, 1st. Wee be certified, in particular, what the whole revenue, in that dominion, together with the nature, manner, and tymes of payments, which was belonging to the crown in the yeare 1638, or at any time since; and alsoe revenue, payments, or duties, now belonging to the comonwealth, have been paid to the publique use, since the yeare 1640, either by forfeitures, confiscations, escheats, excise, customes, assessments, or any other yearly rent or profit, whatsoever; of al which, assoone as may be, a just and particular estimate and accompt shal be transmitted unto us, and our councel, and afterwards, once every yeare, at least; that we may, from time to time, understand the state thereof; And the Deputie, with the advice aforesaid (as often as he shall find cause), is to represent unto us, and our Councell, what he shall conceive may conduce to the improvement of the revenue aforesaid. 2. That our Deputie, by the advise aforesaid, doe use such meanes as they, in their judgements, shal judge best, for the recovery of such part of the revenue, as hath been deteyned or concealed, with the arrearages thereof; and also to improve the whole revenue, to the best profit, and advantage of the state. 3. For the better improvement of the revenue, aforesaid, our Deputie, with the advice aforesaid, shal take an accompt of what hath been done, upon the instruccions given unto the comissioners for Ireland, dated the second day of June, 1653, for surveying the honors, castles, mannors, lands, tenements, and heredita-

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ments,

ments, belonging to the Crowne, or to any archbishop, bishop, deane, deane and chapter, or other officer, belonging to the hierarchy in Ireland: And in case a survey is not made, according to those instructions, effectual care is to be taken, that it may be forthwith done; and likewise that surveys be made of all forrests, and other forfeited lands in Ireland, which remain undisposed of by act, or ordinance of Parliament, or Councel of State, in the interval of Parliament, or by us, with the advice of our Councell, in such manner, as the aforesaid lands, late belonging to the Crowne and Bishops, are to be surveyed. 4. Our Deputie, by the advice aforesaid, shal cause all acts, ordinances, orders, and instructions, formerly given to the Commissioners for ordering and managing the Affaires of Ireland, now in force, and not hereby altered, touching the estates of delinquents, papists, archbishops, bishops, deanes, deanes and chapters, to be put in execution, in Ireland, according to the severall rules and directions, therein contained; and alsoe to put in execution, al acts, ordinances, and instructions of parliament, or of us and our Councel here, for levying and receiving of the duties of custome and excise in the dominions of Ireland. 5. Our Deputy, by the advice aforesaid, is hereby impowered, by himselfe, or such others as shal, by the said advice, be appointed, to set and let al such lands, houses, and other hereditaments, whatsoever, in Ireland, as are or shalbe belonging to the Comonwealth, for such tyme or tearme of yeares, not exceeding seven yeares, and at and under such rents, and other condicions, as shalbe judged most for the publique advantages;

advantages; provided that our said Deputie, by advise aforesaid, shal have power to let and set the premisses for any longer tearme, reserving, thereupon, such yearly rent as the same were letten for, or worth to be let, in the yeare 1640, or at any time within six yeares before: And our said Deputie, with the advise aforesaid, shal have power (by himselfe, or such others as, by such advice as aforesaid, shalbe appointed), to let or set, or cause to be collected and received, the lands, rents, yssues, and profits, of or belonging to al or any ecclesiastical benefices, of such ministers as are, or shalbe, ejected for delinquency, ignorance, or scandal, until other fit persons shalbe placed in their roome; and alsoe dureing vacancie of al such other ecclesiasticall benefices, as now are, or shal hereafter, become vacant, by death or otherwise, and not disposed of by act, ordinance, or order of Parliament, or by the Councel of State, in the interval of Parliament, or by us, with the advise of our Councel. 6. Our Deputie, by the advise aforesaid, or the greater part of the Councel, shal informe themselves, in what manner the treasure of that dominion hath been, hitherto, managed; and shal, by themselves, or such as they shall appoint, take an accompt of al their receipts and yssues, and of the persons intrusted, concerning the same: They shal alsoe consider, how for the future ther may be establisht one grand treasury in Ireland, and in what manner, and by what persons, the same wilbe best mannaged; and, in the meane time, shall take care, that the same be mannaged for the best advantage of the State; and give such directions or instructions concerning the customes,

f f 2

excise,

excise, fishery, assignations, or any other assayres there, relating to the publique revenue, as shalbe necessary: And shal have power to appoint receivers, officers, and ministers, needing for the rayseing, collecting, receiving, mannageing, and yssueing, of the said publique revenue; and to allow them, and every of them, fitting salaryes for their service therein. 9. Our Deputie, by the advise aforesaid, is hereby authorized to cause assessments to be made upon the estates of the people of Ireland to be rated, levyed, collected, and paid, according to the severall rates and proportions, set downe and expresse in an ordinance, entituled, an Ordinance for the further Encouragement of y^e Adventurers for Lands in Ireland, and the Souldiers and other Planters there, towards the payment and maintenance of the army and guarisons there, and for defrayeing of y^e publique charge, and carrying on the affaires of this Commonwealth in Ireland, in order to y^e execution of these instructions; and to appoint comissioners, and other officers, necessary and requisite for this service; and to allow unto them, or such of them as they shal think fit, such sallaries or allowances for the said service, as they shal judge meet, with respect to the easing the charge of the Commonwealth. 10. Our Deputy is hereby authorized, from time to time, by his owne warrant, to charge the treasury and publique revenue in Ireland, for payment of the army and guarrisons, either in money or provisions, as alsoe for all incident charges, necessary for the army; And all other payments to be made, for the carrying on and effecting of any of these instructions, or in pursu-
ance

ance thereof, shalbe made by warrants of our Deputie, by the advise of the Councell, to bee signed by our Deputie, and five, at least, of the Councell, who shall likewise issue all warrants for amunition, to be delivered out of the magazin; And such respective warrants, as aforesaid, shalbe a sufficient discharge to the respective treasurers, stoare keepers, and other officers, concerned therein. 11. Our Deputie and Councell shal consider of al due wayes and meanes, for lessening the publique charge of the commonwealth there, either by reducing the forces into fower regiments, or otherwise, by lessening the numbers, demolishing of castles or guarrisons, or by moderating or regulateing the establishment of the pay for the said forces, or by taking away any superfluous charge, of what kind soever, wherewith the publick revenue is charged, and put the same into practice and execution, with such convenient speed, as the condition of affaires will admit, and may stand with publique fastie.— 12. Our Deputie, by advise as aforesaid, shal cause to be put in execution, effectually, all lawes, now in force, against the counterfeiting, clipping, washing, or debaseing of coyne; and are impowered to put forth proclamations, as shalbe thought fit, for suppressing thereof. 13. Our Deputie, by the advice aforesaid, shal take effectual care, for the preservation of the timber in Ireland, belonging to y^e Comonwealth; and shal use all good wayes and meanes, for preventing the mischiefes and inconveniences, by selling or cutting downe, and destroying the timber there; and shall make inquirie, where any trees, fit for shipping timber, growne neare any good haven, or navigable rivers, and

and thereof certifie his Highnes and the Councell, 14. Our Deputie, with the advice aforesaid, is hereby authorized to put in execution, all the powers, instructions, and authorities, given unto y^e Comaunder in Chiefe, or the Commissioners for ordering and settling the Affaires of Ireland; by an Act of Parliament, entituled, an act for settling of Ireland; by another act entituled, an Act for the speedy and effectual Satisfaction of the Adventurers for Lands in Ireland, and of the Arrears due to the Souldiery there, and of other publique Debts, and for the Encouragement of the Protestants, to plant and inhabite Ireland; and alsoe, by one comission, under the greate Seale of England, dated the second day of June, 1653, and by the instructions thereunto annexed. And likewise, by the further instructions from the late Councell of State, bearing date the second day of July 1653, and all other orders of the late Councell of State, in the interval of Parliament, and all acts of Parliament, and ordinances of us, with the advice of our Councell, and not altered by, nor repugnant to these instructions, as fully and effectually, as the said Commaunder in Chiefe of the Forces of Ireland, and the said Commissioners for ordering and settling the Affaires of Ireland, or any of them, are enabled to doe, by the said severall acts, comission, and instructions, ordinances, and orders, or any of them. Provided always, that our Deputie, with advice aforesaid, may, soe farr as they shal judge fit, and to bee for the publique service, dispence with the orders and instructions, made and given by the late Parliament, or Councel of State, for the transplantacon of the Irish natives into the province of Connaught, or County of Clare, or

one of them ; and likewise with the penalties and forfeitures, set and imposed by the authority aforesaid, upon such persons as shal not transplant themselves accordingly ; and may also, by proclamation, or otherwise, as they shall think fitt, declare and publish the same. 15. Our Deputie, with the advice aforesaid, is authorized to give fitting sallaries and allowances to all judges, justices, commissioners, ministers, and other such persons, as shalbe imployed for putting in execution al and every of these instructions, with regard had to the ease of the State. And aswel our said Deputie, as the Councel, are hereby authorized, by themselves, or by such as they shal appoint for that purpose, to administer any oath or oaths, to any person or persons, whatsoever, in pursuance of these instructions, or in order to the execution thereof. 16. Our Deputie shall have the guift and disposition of al temporal offices, as they shal become void ; except the offices of Presidents of the Provinces, the Chancellor, Treasurer, Under Treasurer, Master of the Ordinance, Chiefe Justice and Justices of the Bench, Chiefe Justice and Justices of the Comon Pleas, Chiefe Baron, and Barons of the Exchequer, Master of the Rolls, Sergeant at Lawe, or Attorney and Solicitor, Treasurer at Warre, Marshall, and Clerk of the Cheque, all which we reserve to our owne disposition. 17. Our Deputie and Councell shall give frequent and timely notice, unto us or our Councell, of their proceedings, in the execution of these instructions ; and shall execute such further instructions, as they shall, from tyme to tyme, receive from us, by the advice and consent of our Counsell.

18. Wee

18. Wee will, that our Deputie, with the advice of the Councell aforesaid, or any five or more of them, shal put in use and execution, the forgoing instructions: Provided always, that in case of death, or other absence of the Deputy, out of Ireland, the Councel, hereby nominated and appointed, or any five or more of them, shal have power and authority to execute, al-and every the powers, authorityes, and instructions, herein containd, as fully and effectually, as our Deputie, or our Deputye and Councell, or our Deputye, by advice of the Councell, are impowered and enabled to doe.

Whitehall,
17th Aug. 1654.

Jan. 10th, 1799.
Exd J. Bruce.

APPENDIX, No. XXIX.

A LIST of the NAMES of the Persons, returned to serve in PARLIAMENT, in the Year 1656, for the several Counties and Corporations, within the Commonwealth of ENGLAND, SCOTLAND, and IRELAND, and the DOMINIONS thereunto belonging.

BEDFORD.

William Butler, *Kt.*
John Harvey,
Richard Wagstaff,
Samuel Beford,
Richard Edwards.

BEDFORD TOWN.

Thomas Margets.

BERKS.

William Trumball,
John Southby,
Edmond Dunche,
John Dunche,
William Hide.

ABINGTON.

Thomas Holt.

READING.

Sir John Barkstead,
Daniel Blagrove.

BUCKINGHAM.

Lord Whitlock,
Sir Richard Piggot,
Richard Grenvile,
Richard Inglosby,
Richard Hamden.

BUCKINGHAM TOWN.
Francis Ingolsby.

AILESBURY.

Thomas Scot.

CHIPPING WICOMB.

Major General Tobias
Bridge.

CAMBRIDGE

CAMBRIDGE and ELY.

Sir Francis Ruffel, Bart.
Robert Castle,
Henry Pickering,
Robert West.

UNIVERSITY.

Lord Rich. Cromwell.

CAMBRIDGE TOWN.

Alderman R. Tymbes.

ELY.

John Thurloe,
William Fisher.

CHESTER.

Sir George Booth, Bart
Thomas Marbury,
Richard Leigh,
Peter Brook.

CHESTER CITY.

Edward Bradshaw.

CORNWALL.

Francis Rous,
John St. Aubin,
Anthony Rous,
Anthony Nichol,
Richard Carter,
Thomas Ceely,
William Braddon,
Walter Moyle.

LAUNSCETON.

Thomas Gewen.

TRURO.

Walter Vincent.

PENRYN.

John Fox.

EASTLOW & WESTLOW

John Buller.

CUMBERLAND.

Major General Charles
Haward,
William Briscoe.

CARLISLE.

Scoutmaster General
Downing.

DERBY.

John Gell,
Sir Samuel Sleight,
Thomas Saunders,
German Pole.

DERBY TOWN.

Gervase Bennet.

DEVON.

Sir John Northcot, Bart
Sir John Young,
Robert Rolle,
Arthur Upton,
Thomas Reynel,
William Morrice,
Henry Hatsel,
Edmond Fowell,
John Hales,
John Dodderidge,
Thomas Saunders.

EXCESTER.

Thomas Bampffield,

Thomas Westlake.

PLYMOUTH.

John Maynard,
Timothy Alfop.

DARTMOUTH,
CLIFTON, HARDNES.
Edward Hopkins.

TOTNES.

Christopher Maynard.

BARNSTABLE.

Sir John Coppleston.

TIVERTON.

Robert Shapcot.

HONITON.

Samuel Searle.

DORSET.

Col. William Sydenham,
John Bingham,
Robert Coker,
John Fitz James,
James Dewey,
John Trenchard.

DORCHESTER.

John Whiteway.

WEYMOUTH and
MELCOMBE REGIS.
Deanis Bond.

LYME REGIS.

Edmond Prideaux.

POOLE.

Edward Butler.

DURHAM.

Thomas Lithame.
James Clavern,

DURHAM CITY.
Anthony Smith.

YORK,

EAST RIDING.
Sir William Strickland,
Hugh Bethel, *jun.*
Richard Darley,
Henry Darley.

WEST RIDING.

Lord Lambert,
Francis Thorpe,
Henry Tempest,
Henry Arthington,
Edward Gyll,
John Stanhop.

NORTH RIDING.

George Lord Eyre,
Col. Robert Lilburne,
Luke Robinson,
Francis Laffels.

YORK CITY.

Lord Widrington,
Thomas Dickenson.

KINGSTON *upon* HULL.
William Lyfter.

BEVERLY.

Francis Thorpe.

SCARBOROUGH.

Edward Salmon.

RICHMOND.

John Bathurst.

LEEDS.

Francis Allanson, *sen.*

Adam Baynes.

HALLIFAX.

Jeremy Bentley.

ESSEX.

Sir Thomas Honywood,

Dionysius Wakering,

Henry Mildmay,

Carew Mildmay,

Sir Rich. Everard, *Bart.*

Robert Barrington,

Dudley Templer,

Oliver Raymond,

Edward Turner,

Sir Thomas Bowes,

Hezek. Hains,

John Archer,

Sir Harbottle Grimstone

COLCHESTER.

Henry Laurence, }

Lord President. }

John Maidstone,

MALDON.

Joachim Matthews.

GLOUCESTER.

George Berkeley,

John Howe,

John Crofts,

Baynham Throg-

morton,

William Neaft.

GLOUCESTER CITY.

General John Disbrow,Thomas Bury, *jun.*

TEWKSBURY.

Francis White.

CIRENCESTER.

John Stone.

HEREFORD.

Major General James

Berry,

Edward Harloe,

Bennet Hoskins,

Benjamin Mason.

HEREFORD CITY.

Worth Rogers.

LEOMINSTER.

John Birch.

HERTFORD.

William *Earl of* Salif-

bury,

Sir Richard Lucy, *Bart.**Sir* John Wittronge,*Sir* John Gore,

Rowland Litton.

ST:

ST. ALBANS.

Abon Cox.

HERTFORD BOROUGH.

Isaac Puller.

HUNTINGDON.

General Edward Montague,
Henry Cromwell,
Nicholas Pedley.

HUNTINGDON BOROUGH.

J. Barnard.

KENT.

John Dixwell,
William James,
Henry Oxinden,
Sir Thomas Style, Bart.
John Boys,
Lambert Godfrey,
Richard Beale,
John Leyliard,
Ralph Welden,
Richard Meredith,
Daniel Shatterden.

CANTERBURY CITY.

Thomas St. Nicolas,
Vincent Dunn.

ROCHESTER CITY.

John Parker.

MAIDSTONE.

John Banks.

DOVER.

Major General Kelsey.

SANDWICH.

Mr. Firberne.

QUINBOROUGH.

Gabriel Livesey.

LEICESTER.

Thomas Beaumont,
Francis Hacker,
William Quarles,
Thomas Pochen.

LEICESTER BOROUGH.

Sir Arthur Haslerig,
William Stanely.

LINCOLN.

Thomas Hall,
Thomas Lister,
Thomas Hatcher,
Edward Rossiter,
Charles Hall,
William Woolley,
Francis Fiennes,
William Savill,
William Welby,
Charles Huffey.

LINCOLN CITY.

Original Peart,
Humphrey Walcot.

BOSTON.

BOSTON.

Sir Anthony Irby.

GRANTHAM.

William Ellis.

STAMFORD.

John Weaver.

GREAT GRIMSBY.

William Wray.

MIDDLESEX.

Sir John Barkstead,
Sir William Roberts,
Challenor Chute,
William Kiffen.

WESTMINSTER.

Col. Edward Grosvenor,
Edward Cary.

LONDON.

Thomas Foot, *Alder-*
man,
Sir Christopher Pack,
Thomas Adams, *Alder-*
man,
Richard Brown,
Theophilus Biddolph
John Jones.

MONMOUTH.

Major-General James
Berry,
John Nicholas,
Edward Herbert

NORFOLK.

Charles Fleetwood,
Sir John Hobart, *Bart.*
Sir William Doily,
Sir Ralph Hare, *Bart.*
Sir Horatio Townshend,
Philip Woodhouse,
Robert Wilton,
Robert Wood,
John Buxton,
Thomas Sotherton.

LYN-REGIS.

General John Disbrow,
Major-General Skippon,
Guibon Goddard.

NORWICH CITY.

Bernard Church,
John Horbart.

GREAT YARMOUTH.

Charles George Cock,
William Burton.

NORTHAMPTON.

Sir Gilbert Pickering,
*Bart.**Lord* Cleypool,
Major-General William
Boteler,James Langham,
Thomas Crew,
Alexander Blake.

PETERBOURGHE.

Francis St. John.

NORTH-

NORTHAMPTON
TOWN.

Francis Harvey.

NOTTINGHAM.

Major-General Edward
Whalley,
Edward Clud,
Edward Nevil,
Peniston Whalley.

NOTTINGHAM TOWN.

Col. James Chadwick,
William Drury, *Alder-*
man.

NORTHUMBERLAND.

William Fenwick,
Lord Widdington,
Robert Fenwick.

NEWCASTLE *upon*
TYNE.

Walter Strickland.

BERWICK.

Col. George Fenwick.

OXFORD.

Charles Fleetwood,
William Lenthall,
Robert Jenkinson,
Miles Fleetwood,
Sir Francis Norris

UNIVERSITY.

Nathaniel Fiennes.

OXFORD CITY.

Richard Croke.

WOODSTOCK.

Maj. Gen. W. Parker.

RUTLAND.

William Shield,
Abel Barker.

SALOP.

Thomas Mackworth,
Philip Young,
Samuel More,

SHREWSBURY.

Col. Humphry Mack-
worth,
Samuel Jones.
Andrew Loyd.

BRIDGENORTH.

Edward Waring.

LUDLOW.

John Aston.

STAFFORD.

Sir Charles Wolfley,
Thomas Crompton,
Thomas Whitgreave.

LITCHFIELD.

Thomas Minors.

STAFFORD TOWN.

Martin Novel.

NEW-

NEWCASTLE *on the*
LYNE.

John Bowyer.

SOMERSET.

General Disbrow,
John Buckland,
Alexander Popham,
Robert Long,
John George,
Francis Luttrell,
John Ash,
John Harrington,
Lislebone Long,
William Whindham,
Francis Roll.

TAUNTON.

Robert Blake,
Thomas Georges.

BATH.

James Ash.

WELLS.

John Jenkyn.

BRIDGWATER.

General Disbrow,

BRISTOL.

Robert Aldworth,
John Doddridge.

SOUTHAMPTON.

Lord Rich. Cromwell,
Major-General William
Goffe,

Robert Wallop,
Richard Norton,
Thomas Cole,
John Bulkley,
Richard Cob,
Edward Hooper, *senior*.

WINCHESTER.

John Hildesley.

SOUTHAMPTON TOWN.

John Lisle, *Lord Com.*

PORTSMOUTH.

Thomas Smith.

ISLE of WIGHT.

William Sydenham.
Thomas Bowreman.

ANDOVER.

Thomas Hufley.

SUFFOLK.

Sir Henry Felton,
Sir Thomas Bernidston,
Henry North,
Edmond Harvey,
Edward Wineve,
John Silkmore,
William Bloys,
William Gibbs,
Robert Brewster,
Daniel Wall.

IPSWICH.

Nathaniel Bacon,
Francis Bacon.

BURY

BURY ST. EDMOND'S.

Samuel Moody,
John Clark.

DUNWICH.

Francis Brewster.

LUDBURY.

John Fothergill.

SURRY.

Sir Richard Onslow,
Arthur Onslow,
Francis Drake,
Lewis Audley,
George Duncomb,
John Blackwell, *junior*.

SOUTHWARK.

Samuel Highland,
Peter De la Noy.

GUILDFORD.

Maj. Gen. Tho. Kelsey.

RYGATE.

John Goodwin.

SUSSEX.

Herbert Morley,
Sir John Pelham,
John Flagg,
John Stapley,
Anthony Sherley,
George Courthope,
Sir Thomas Rivers,
Bart.
Sir Thomas Parker.

CHICHESTER.

Henry Peckham.

LEWES.

Anthony Stapely.

RYE.

Mr. Hayes.

ARUNDEL.

Sir John Trevor.

WARWICK.

Richard Lucy,
Sir Roger Burgoyne,
Edward Peyto,
Joseph Hawksworth.

COVENTRY CITY.

William Purefoy,
Robert Beake.

WARWICK BOROUGH.

Clement Throckmor-
ton, *junior*.

WORCESTER.

Major General James
Berry,
Sir Thomas Rous, *Bart.*
Edward Pitt,
Nicholas Lechmore,
John Nanfan.

WORCESTER CITY.

Edmond Giles,
William Collins.

WILTS.

Sir Anthony Ashley
Cooper,
Sir Walter St. John,
Bart.

Alexander Popham,
Thomas Grove,
Alex. Thistlewaite,
John Bulkeley,
Rich. Grubham How,
William Ludlow,
Henry Hungerford,
Gabriel Martyr.

NEW SARUM.

William Stone,
James Heely.

MARLBOROUGH.

L. G. Ch. Fleetwood.

DEVIZES.

Edward Scotton.

LANCASHIRE.

Sir Richard Houghton,
Col. Standish,
Col. Holland.

WESTMORELAND.

Christopher Lister,
Thomas Burton.

WALES.

Geo. Twistleton,
Griffith Bedwrda,
Col. Philip Jones,

Evan Lewis,
Col. John Clarke,
James Philips,
Lord Claypole,
Major General Rowland
Dakins,
John Glyn,
Robert Williams,
Col. John Jones,
Col. John Cartar,
John Trevor,
Edmond Thomas,
John Price,
Hugh Price,
Charles Lloyd,
John Upton,
George Gwyn,
Henry Williams.

SCOTLAND.

Col. Mitchel,
Col. David Barclay,
Col. Winthorpe,
Sir John Wemys,
Lord of Boghe,
Sir Edward Rhodes,
Godfrey Rhodes,
Col. Talbot,
John Lockhart,
Lord Cockrum,
Mr. Disbrowr,
Judge Swyntown,
Mr. Kerr,

Judge

Judge Advocate Whalley,
Judge Smith,
Col. Salmon,
Sir James M'Dowal,
The Earl of Tweeddale,
Robert Woolley,
Sir Alex. Wedderburn,
Col. Henry Markham,
Col. Whetham,
Lord President Broghill,
Lord Provost Ramsey,
Commissary Lockhart,
Scoutmaster-Gen. Downing,
Alexander Dowglas.

IRELAND.

Lord Broghill,
Major-Gen. Jephson,
Vincent Gookin,
Sir John Reynolds,
Col. Abbot,
Mr. Halfey,
Col. Sadler,

Major Redman,
Major Owen,
Sir Theophilus Jones,
Sir Hardress Waller,
Major Morgan,
Mr. Bisse,
Mr. Tigh,
Col. Fowke,
Major Aston,
Mr. Blagny,
Lieutenant-Col. Newborough,
Lieutenant-Col. Berisford,
Ralph King,
Col. Cooper,
Lieutenant-Col. Trayle,
Col. Ingoldsby,
Walter Waller,
Sir Robert King,
Col. Bridges,
John Davis,
Major Potter,
Major Ratlife,
Col. Suttleworth.

APPENDIX No. XXX.

SUMMONS to meet in PARLIAMENT.

Oliver, Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the domynions and territories thereunto belonging, To our trusty and well-beloved sonne, Lord Richard Cromwell greetinge: Whereas, by the advise and assent of our Councell, for the greate and weighty affaires, concerninge us, the state, and defence of the said Commonwealth, wee ordayned our present Parliament to hold at our citty of Westminster, the seventeenth day of September, in the yeare of our Lord, one thousand, six hundred, fiftie and six, and there to consult and advise with the knights, citizens, and burgessees of our said Commonwealth, which Parliament was then and there held and continued, untill the six and twentieth day of June, last past, and then adjourned, untill the twentieth day of January, now next coming, Therefore wee comaund, and firmly enioyne you, that considering the difficultie of the said affaires, and eminent daungers, all excuses being sett a side, you be personally present att Westminster, aforesaid, the twentieth day of January, next comeinge, there to treat, conferr, and give your advise, with us, and with the greate men and nobles, in and concerninge the affaires aforesaid. And this,

as

as you love our honour and safety, and the defence of the Commonwealth, aforesaid, you shall, in noe wise, omitt. Witnes our selves, at Westminster, the nynth day of December, in the yeare of our Lord, one thousand, fix hundred, fifty and seaven.

Lett the like writts be directed to the respective persons under written, dated as aforesaid; (to witt.)

Lord Henry Cromwell,—our Deputie of Ireland
Nathaniel Fyennes, one of the Lords Com̃rs of
oʳ Greate Seale,—sworne

John Lisle, one of our Lords Com̃rs of the
Greate Seale,—sworne

Henry Lawrence, President of our Privy Coun-
cell,—sworne

Charles Fleetwood, Lieuʳ. Generall of oʳ Army,—
sworne

Robert Earle of Warwicke

Edward Earle of Manchester

Edmond Earle of Mulgrave

David Earle of Cassils

William Lord Visʳ Say and Seale

Thomas Lord Faulconberg,—sworne

Charles Lord Viscʳ Howard,—sworne

Phillip Lord Viscʳ Lisle,—sworne

Sir Gilbert Pickering, Barʳ, Chamberlaine of oʳ
Househould

George Lord Evers,—sworne

Philipp Lord Wharton.—

Roger Lord Broughill,—sworne

William Pierpoint, Esqʳ

John

John Lord Cleypoole, Master of our Horſe,—
ſworne
Sir Bulſtrode Whitelocke,—one of the Lords
Com̃rs of our Treas^r,—ſworne
John Deſborow, one of the Generalls of o^r Fleete,
—ſworne
Edward Mountagu, one of the Generalls of o^r
Fleete, and one of the Lords Com̃rs of o^r Trea-
ſury,—ſworne
Geogre Moncke, Com̃ander in Chiefe of our forces
in Scotland
John Glyn, Cheife Juſtice, aſſigned to hold Pleas
before us, in the Upp^r Bench,—ſworne
William Lenthall, Maſter of the Rolles in Chaun-
cery,—ſworne
Oliver St. John, Cheife Juſtice of our Court of
Com̃on Pleas
William Steele Chancellor of Ireland
Sir Charles Wolſeley, Barronett,—ſworne
William Sidenham, one of the Lords Com̃rs of
o^r Treas^r,—ſworne
Phillipp Skippon, Eſq^r,—ſworne
Walter Strickland, Eſq^r,—ſworne
Francis Rous, Eſquire
Phillipp Jones, Eſq^r,—Comptroller of our Houſ-
hould,—ſworne
John Fiennes, Eſq^r,—ſworne
Sir John Hobart, Barronett,—ſworne
Sir Gilbert Gerrard,—Barronett
Sir Arthur Haſelrigg,—Barronett
Sir Francis Ruſſell,—Barronett,—ſworne
Sir William Strickland, Kn^t & Barr^{tt},—ſworne
Sir Richard Onflowe, kn^t, ſworne

Edward Whalley,—Comiffary Gen^lall of the
horfe,—fworne
Alexander Popham, Efquire
John Crew, Efquire
Sir William Lockhart, Kn^t
Richard Hampden, Efquire,—fworne
Sir Thomas Honiwood, Kn^t,—fworne
Sir William Robert, Kn^t,—fworne
Sir Archiball Johnfton, of Warrefton
Richard Ingolefby, Efq^r,—fworne
Sir Christopher Packe, kn^t,—fworne
Sir Robert Titchborne, Kn^t,—fworne
John Jones, Efq^r,—fworne
Sir Thomas Pride, Kn^t,—fworne
Sir John Barkftead, Kn^t Leiu^t of o^r Tower of
London,—fworne
Sir George Fleetwood, Kn^t,—fworne
Sir Matthew Thomlinfon, Kn^t
Sir John Hufon, Knt,—fworne
Edmond Thomas, Efq^r,—fworne
James Berry, Efq^r,—fworne 21 Jan^r
William Goffe, Efq^r,—fworne
Thomas Cooper, Efq^r,—fworne.

This agreeth with the originall, re-
mayning in the pettie bagg.

(Signed)

JOMN THOMPSON.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPEN.

APPENDIX, No. XXXI.

A PAPER of the PROPOSALS of the Com^{rs}
for the Kingdome of SCOTLAND, relating
to the Act conc. Shipping and Naviga-
tion.

Delivered, 21st Jan. 1667-8.

Wee, the Com^{rs}ioners of and for the king-
dome of Scotland, nominated, and sufficiently
authorised, by his Majestie, under his great seale
of that kingdome, to treat and consult, as also
to conclude and determine, with your L^{ops}, the
Com^{rs}ioners, nominated by his Ma^{ties} for the
kingdome of England, of and concerneing the
freedome & liberty of trade, betweene the two
kingdomes of Scotland and England; do repre-
sent, that whereas his Ma^{ties} subjects of Scotland,
borne under the alleadgence of the King, since
the happy succession of King James to the crowne
of England, are so farre from being aliens, that
they are declared to have, by the law of this king-
dome, all the priviledges of naturall borne sub-
jects of England: and whereas, his Ma^{ties} sub-
jects of Scotland have enjoyed a free trade here,
in England, and in all the dominions and planta-
tions belonging to the kingdome of England,
more than fifty and six yeares, without any con-
siderable obstruction, all that time; yet since the
25th

25th day of March, in the 12th yeare of his Ma^{ties} reigne, by some Acts of Parl^t, heer in England, the Kings subjects of Scotland are, thereby, debarred from the priviledges granted to all his Ma^{ties} other subjects; seing by those acts, the priviledges are granted to such ships or vessells, as doe truely, and without fraud, belong *only* to the people of *England* or *Ireland*, dominion of Wales, or toune of Berwick upon Tweed, and all other ships or vessells (without any exception) with all their goods and merchandizes, are declared to be forfeited—By other Acts of Parl^t, since that time, some goods and comodities of Scotland are, at some times, charged with a duety and imposition, equall to, or above their value; some goods are charged with a custome or imposition, above sixteene times more than the goods, of the like nature, of forreigne growth; and some usuall customes are exacted in Northumberland and Cumberland.

In order to the removeing all obstructions of the freedome and liberty of trade, betweene the two kingdomes, to the end the people of Scotland may be encouraged to trade here, as formerly, and to export from this kingdome, such forreigne, and other comodities, as are necessary for them (which wee conceive to be a great advantage to this kingdome, the exported comodities farr exceeding those imported hither), for encourageing the shiping and seamen of Scotland, without which the trade cannot be continued, and for preventing the removall of the trade of Scotland into forreigne parts, which would be very prejudiciall

to his Ma^rties customes, to this kingdomes, as we conceive, and to the happy union and correspondence of the two kingdomes, which wee do, above all things, endeavo^r to preserve.

We do beginne with that which was first in time, and indeed of the greatest importance to Scotland, an act instituted (an Act for encouraging and encreasing of shipping and navigation) past in the 12 yeare of the King's reigne, and ratified, confirmed, and enacted, in the 13th yeare, cap. 14. In relation to which act, wee desire ;

1. First, That as to the trade with the lands, islands, plantations or territoryes to his Ma^rtie belonging, or in his possession, or which may, hereafter, belong unto, or be in the possession of his Ma^rtie, his heires or successors, in Asia, Africa, or America ; the same freedome may be allowed to such ships and vessells as do truly, and without fraud, belong only to the people of Scotland, whereof the master, and three-fourth parts are Scotts-men, or other his Ma^rties subjects, and fraughted only by his Ma^rties subjects ; as are allowed to his Ma^rties subjects of Ireland, dominion of Wales, and toune of Berwick upon Tweed.

2. That it be declared, that his Ma^rties subjects of Scotland, are not meant to be debarred, by the clause debarring aliens, or persons not borne within the alleadgence of our soveraigne Lord the King, from exerciseing the trade or occupation

tion of merchants, or factors, in any of the said places.

3. That the ships or vessells, belonging truly to his Ma^{ties} subjects of Scotland, navigated as is before expressed, and fraughted only by his Ma^{ties} subjects, may be declared to have liberty to bring into England, the goods & comodities, that are of forreigne growth, production, or manufacture, under the same restrictions and limitations, as are expressed for the ships of England, in that article. This was freely practised, ever since King James came into England, is of absolute necessity, for intertaining the shipping of Scotland, and keeping the seamen there, for his Ma^{ties} service, and wilbe an encrease of his Ma^{ties} customes.

4. That all other priviledges, granted by this act, to the ships and vessells, belonging truly to the subjects of Ireland, Wales and towne of Berwick upon Tweed, may be also declared to belong to the ships or vessells, truly belonging to the subjects of Scotland, navigated and fraughted, as is abovesaid; under the same restrictions and limitations, alwayes, as is, by this act, layd upon the subjects of Ireland, Wales, and Berwick, And that it may be declared, that the penalties imposed upon aliens, for transporting goods, from port to port; and all other penaltyes, imposed upon aliens, by this act, that the subjects of Scotland, are no wayes therein concerned.

5. That, whereas, almost all the ships & vessells, belonging to his Ma^{ties} subjects of Scotland, were, dureing the late usurpation, taken, burnt, or destroyed, and many of the vessells taken or bought, since his Ma^{ties} happy returne, are forreigne built; wee desire, that all vessells, taken from the King's enemyes, and condemned as lawful prize, may be declared naturalized, as is lately done here; and that they, and all such ships, as are truely in the possession of the King's subjects of Scotland, may be declared capable of free trade here; as if they had beine built within his Ma^{ties} dominions; a list of such ships being entered, betwixt, and a day, to be agreed upon, into the custome bookes here. Provyded, that it shall not be lawfull for Scottsmen to trade here, with any forreigne built ship, to be bought hereafter; but only with such ships as are built in Scotland, or some other of his Ma^{ties} dominions; and that both the prize ships, and other ships, now in the possession of the subjects of Scotland, bee navigated by three parts of foure Scottsmen, or other his Ma^{ties} subjects, and fraughted only by his Ma^{ties} subjects.

6. And, whereas, it may be suspected, that by demanding such a trade with the plantations, as is allowed to the subjects of Ireland, we may prejudge his Ma^{ties} customes here, or destroy the ends of the act of navigation, as to those comodities; we declare, that wee are willing to treat and conclude with your Lo^{ps}, upon such assurances, as can be reasonably demanded; that none of those comodities shalbe transported by
Scotts

Scotts ships, from the English plantations, to any place beyond the seas; but that they shalbee whollie brought into such ports of England, as shalbe agreed upon; excepting only, such a very small number, for the consumption of Scotland, as shalbee agreed upon betweene your Lõps and us.

Jaun^{rij}. 21, 166 $\frac{7}{8}$.

By order from the Com^{rs} of Scotland,

JOHN DONN.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX No. XXXII.

DRAUGHT of ¶ticulares to be mentioned
in the Begining of the ANSWERE to
SCOTTS Demands.

1. Our concessions, not of due but good-will, and according to the votes of the House of Commons; and the preamble to the act, in the first session of King James, which gave powr to Comrs^r to treat of the union of both kingdomes; and the declaring the grants to be for mutuall conveniency and policie, and not of right, or to be so expected; and thes matters not wholly agreed, but left to farther discuffion.

2. The propofalls (delivered) demand more priviledges, then arr enioyed by English men, particularly, they demand to be in the same condition, as they were in y^e times of King James, of blessed memory, when as Englishmen are since restrayned, by severall acts, from the trade then enioyed in the same manner. Vide their 3d *pap.* marked xi.

3d. They pretend, their hath been no alteration, in more then 56 yeares last past; but y^e is not so; for by y^e articles of union (then agreed)
cattle

cattle were, altogether, prohibited, yet the trade mutually enjoyed in other commodities. Then also, these were generall restraints upon salt, by King James, wth^r advise of his councill.

4. It is alleaged, y^e priviledges are graunted to all other his Maties^r subiects, from which they are debarred; wch^r is true, and y^e reason cleare; for all his Maties^r subiects in Irelande, Wales, &c. are not only subiect to his Matie^e, but also to the Croun of England, & are subiecte to the lawes of y^e same, and to y^e power of y^e Privy Councell heer, & y^e great seale of England; so y^t, as on one hande, y^e priviledges of navigation are granted to them, as to y^e English, so, on y^e other, their is power heer, to keep them to the restrictions & limitations of y^e acte, wth^out wch[~] (as it is a great benefitt) it would become a ruine to this kingdome.

5. For what is mentioned, of 16 times as much imposed upon their salt, as upon forraign, y^e reason is cleare; because we have a manufacture of white salt, wch^r is the same wth[~] Scottish salte; & therefore their hath been a necessity of imposinge upon theirs, to preserve o^r own; but for y^e salt wch[~] comes from other countryes, we have none of y^e kinde heere.

6. As to their demands against custome (lately imposed) upon corne, we know not how it can be looked upon, more contrarye to y^e done before y^e act lately made. Then y^e prohibition of cattle, formerly in y^e very act, relateing to y^e union,

union, it being necessary for y^e kingdome, and in
p^{ar}ticular for the countyes adiacent to Scotland.

Rememb^r the propositions from Scotland, in
1660, to be mentioned in fitting time.

Eng^h Comrs^r ANSWERE to the Sco: Comrs^r
1st Paper; in which they desire the rest
of their Demands, 'ere the answer that
concerning Navigation.

25th Jan. 1667-8.

Wee the Comrs^r of and for the kingdome of
England, nominated and authorized by his Ma^{ty},
under his great seale of this kingdome, the twelfth
day of this instant January, to treat and consult,
and alsoe to conclude and determine, with your
Lop^s, the Comrs^r for the kingdome of Scotland,
of and concerning the freedome and liberty of
trade, betweene the kingdome of England and the
kingdome of Scotland, according to the purport
of an act of this present Parliament, to that effect;
having^g used your Lop^s paper, of the eighth in-
stant, signed by your Lop^s order, John Donn,
did finde, that severall papers and instruments
were necessary for our informac^{on}, in order to the
considerac^{on} thereof, some of which wee were not
able to gett into our hands, till this morning, and
p^{ar}ticularly an authenticke copy of the articles of
union, agreed on, betweene the Comrs^r of both
kingdomes,

kingdomes, in the raigne of King James, of blessed memory, and some others are yet wanting which wee are endeavouring to gett, with all possible speede, and doubt not but wee shall have, in a very short time; but findeing, by your Lop's said paper, that you have other and further matters, which you intend to offer to us, wee hold ourselves obliged to lett you know, wee judge it absolutely necessary, that wee have the whole in prospect, before wee returne you our answere to what wee have already received; and therefore desire, that wee may have the rest of your proposalls, and wee shall apply ourselves, with all cheerefulness and expedition, to give your Lop's all possible satisfaction.

Signed, by order of the Comrs^r for
the Kingdome of England,

January 25th,
1667-8.

JOHN WALKER.

Jan. 10th, 1799.
Ex^d. J. Bruce.

APPENDIX, No. XXXIII.

SCO: COMRS^r PAPER, refusing to make further Propofalls, till the Busines conc^r Navigation be settled.

29 Jan. 1667-8.

Having perused your Lop^rs paper, of the 25th instant, signed by your Lop^rs order, John Walker, wee doe returne this answere, that, in pursuance of the methode, which, wee conceive, was verbally agreed upon at our former meetings, we have begunn with that first, and greatest obstruc^rcon, of the freedome and liberty of trade, betweene the two kingdomes, the act of navigation, and have, by our paper of the 21st instant, presented to your Lop^rs, how by it, his Maty^es subiects of Scotland, borne under the happy succession of King James, of blessed memory, to the crowne of England, and are debarred from the priviledges, granted to all his Maty^es either subjects, contrary to the practice of soe many yeares; and wee have, by that paper, given your Lop^rs a generall prospect of the other imposic^rons, laid upon the goods of Scotland, since the 25th of March, in the 12th yeare of his Maty^es Raigne, by severall acts, which may be obvious to your
Lop^rs.

Lop^{ps}. And whereas, unlesse the shipping and seamen of Scotland be encouraged here, the trade cannot be continued, wee judge it absolutely necessary, to insist upon an answer, more p^{ar}ticularly to any other or further matter, or give in any further proposall.

January 25th,
1667-8.

By order of the Com^{rs} for the
Kingdome of Scotland.

JOHN DONN.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX No. XXXIV.

ENGLⁿ COMRS' Answer to the Sco: COMRS'
2^d Paper, of the 25th Jan. 1667-8.

Dated 1st Feb. 1667.

Wee have received your Lop^s paper of the 25th of January last, signed, by your Lop^s order, John Donn, in answer to ours of the same date, whereby, in the first place, you lett us know, that, in pursuance of the methode, which, you conceive, was verbally agreed upon at a former meeting, you have begunn with that which your Lop^s call, the first, and greatest obstrucⁿ, of the freedome and liberty of trade betweene the two kingdomes (the act of navigation); to this wee retorne answer, that wee will not formalize in a busines of such concernment, but are very willing, that your Lop^s begin with what you please; and wee are heartily applying our selves to the due consideraⁿ of that proposall; but wee did not agree or engage ourselves, to retorne our answer to this, or any other proposall of yours, before wee should have the whole of your demands, however wee should readily comply, as to the methode now desired by you, if wee found it convenient, or (indeed) possible: Your Lop^s may please

please to consider, that in treatyess of this nature, one article hath dependence upon, and is influenced, from another, and the usual way of treating is, to give first a scheme of what is desired. Besides, your Lopps haveing verbally declared, that the benefit expected by this comission, depends much upon ready dispatch; and if new proposicions shall still be delivered, much more time must, necessarily, be spent, by such manner of proceeding, then when the whole matter is at once laid open; neither can it be reasonably expected, there will be that yeilding upon this, or other subsequent proposalls, when wee know not what demands will follow, upon which different consequences may arise, or what interpretacons may be made, when the matter is heterogeneous, and other new articles offred, which may (possibly) be such, as at the time of yielding one point, it may carry with it an unforeseene determination of many, or the whole. In the next place, to what is further contained in the said paper, that your Lopps have, in your former, given a generall prospect of the other imposicions, upon the goods of Scotland, since the 25th of March, in the 12th yeare of his Matyes raigne, by severall acts, which may be obvious to us; wee must lett your Lopps know, that wee cannot ground ourselves upon such a general informacon, in matter of this moment, unlesse your Lopps will declare the particulars, for our more cleare understanding. Nor is there any thing in that paper, that doth assure us, what particulars, of other nature, as well as relating to imposicions, may be offered, and therefore wee desire, that your Lopps will (without further

Reasons why
the Engli
Comrs' cannot
proceede on
the business of
navigation, till
they have the
whole Scottish
demands.

further losse of time) please to lett us know, what you have further to propose, that foe haveing the whole before us, wee may (as wee earnestly desire) proceede vigarously and cheerefully, and give a speedy and happy conclusion to this affaire, which is of foe great concernement to both kingdoms.

Signed, by their Lop^s order,

Febr. 10, 1667.

JOHN WALKER.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. XXXV.

The PROPOSALS and DEMANDS of the
COMRS^r for SCOTLAND, dated and deli-
vered,

3d Feb. 1667-8.

We have received your Lopps paper of the
first of February instant, signed, by your Lopps
order, John Walker, in ans^r to ours of the 25th
of January last; To which wee retorne this an^r, that
as wee are, and shal bee, very farre from formaliz-
ing, in a buffines of such concernm^t: so when
your Lopps shal consider the dates of our papers,
wee hope you will finde, wee have not beine the
cause of any losse of time or delay. By your Lōps
first paper, you desired to have, the whole, in
prospect; and wee did conceive you had it, by
our first paper; wherein we represented, that con-
trary to the privileges declared to belong, by law, to
his Maties^s subje^{ts} of Scotland, borne under the all-
easance of the King, and contrary to that freedome
of trade, enjoyed for so many yeares, some acts
have been made, since the 25th of March, in the
12th yeare of his Maties^s reigne. Wee expressed,
very particularly, what related to the act of navi-
gation; and where wee said, that by other acts of
parliament,

parliament, since that time, some goods and commodities of Scotland are, at some times, charged with a duty & imposition, equall to, or above their value, wee doubted not, but your Lop's conceived, wee meant, that branch of an act, charging Scotts cattle, brought into this kingdome, after the 24th of August; and that, by the custome and imposition, charged upon some goods of Scotland, about sixteene times more than the forreigne goods of like nature, wee meant the act, imposinge sixteene shillings and eight pence on each weigh of the salt of Scotland, where one shilling is only imposed upon forreigne salt. Wee mentioned also, unusuall customes, exacted in Northumberland & Cumberland, which wee conceived, might have beine very obvious to your Lop's. These are the most materiall obstructions; and wee litle expected, your Lop's could reasonably apprehend any hetrogenous matters from us, seing both our comissions are limited to the freedome and liberty of trade, betwixt the two kingdomes, & to the impositions obstructing the same. Yet, seing your Lop's do still insist, that wee should first declare, more particularly, what wee have further to propose, and give you a scheme of the whole;

In compliance with this, we do represent, that wee expect your Lop's will consent to the restoreing his Ma'ties subjects of Scotland, to the same *freedome of trade, here, in England, and the dominions thereunto belonging, which they enjoyed during the happy reigne of his Ma'ties royal Grandfather, and Father, of blessed memory*; and for that purpose, to the repealing all the clauses of acts of parli^{am},
here,

here, in England, which obstruct or destroy that freedome.

Wee have fully expressed ourselves, as to the first and greatest obstruction, the Act of Navigation; and wee now mention further, the Act for encouraging of Trade, 15 Car. II. cap. 7., and by it, the imposition on Scotts cattle, from the 24th of August, unto the 20th of December; and what, by that act, may be interpreted to concerne the subjects of Scotland, as to their importation of fresh, and salted, or dried fish; which last clause depends, in part, upon the Act of Navigation.

An additionall duety layd on Scotts lining cloth, by the Act of Tunage & Poundage, in the 12th yeare of his Ma^{ties} reigne; being one full moyetie more than is mentioned in the Book of Rates.

That part of the Act 14 Car. II. cap. 7^{mo}. which forbids the carying of skinns or hides, tanned or untanned, into Scotland.

That part of the act for preventing frauds and abuses in his Ma^{ties} customes, 14 Car. II. cap. 11, which obleiges all goods and wares, that shall be brought out, or carryed into the kingdome of Scotland, to passe by or through the tounes of Berwick, or Carelile; at least, wee shall desire an explanation of the same.

The imposition layd upon Scotts salt, above sixteene times more than that on forreigne salt. 14 Car. II. cap. 11.

The imposition layd upon Scotts Beir, viz. ten shill^s per barrell; as if Scotts-men were foreigners. 18th. Car. II. cap. 5.

And wee further expect, that where forreign-ers, or places beyond the seas, are mentioned in any act, that it be declared, that his Ma^{ties} subjects of Scotland, *nor his kingdome of Scotland*, are not meant, nor cannot be so understood to be meant.

As concerning the unusuall customes, imposed lately, in Northumberland & Cumberland, wee meane, that of late, there hath beine demanded, for every stone horse, caryed into Scotland, 3l. 6s. 8d.; for every geldin, one pound; for every mare, 6l. 6s. 8d. for every quarter of wheat, caryed by land, 5s. 4d.; of rye, 4s. od.; of peis, 4s. od.; of big and barley, 2s. 8d.; & of dates, 1s. 4d.; upon a pretence of the acts made in the 13th & 15 yeares of his Ma^{ties} reigne, and without any colour of law. New imposts, as wee are informed, are layd upon Northumberland coales, caryed into Scotland; and unusuall customes, upon ordinary marcatt comodities, brought every marcatt day into Berwick.

Thus your Lo^{ps} have now, the full scheame of all that is to be demanded by us, in this treaty. But because what wee have given in, relating to the Act of Navigation, was the first in time, and is the greatest obstruction of our trade, and indeid, without wch^r our trade cannot be caryed on here; wee still insist upon an ans^r to it, in the first place;
and

and then wee shall willingly proceede to treat on all the rest, in order. And wee hope it shall appeare, wee doe and shall desire nothing, but the just and reasonable removall of the obstructions of that freedome of trade, so long enjoyed ; and the continueing and strengthening the happy agreement of both the kingdomes, which is our greatest desire, and shalbe pursued by us, most heartily and diligently.

By order of the Commissioners for
the Kingdome of Scotland,

February 3d,
1667-8.

JOHN DONN.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XXXVI.

ENGL^H COMRS' Concessions conc:
NAVIGATION.

16th March, 1667-8.

Acts made in
England, al-
leadged to be
injury to Scot-
land.

Wee have considered of your Lop^s paper of the 3^d of February last, signed, by your order, John Donn, and before we return any answer to the perticulars therein men^coned, or in your former paper, wee hold ourselves obliged, in the first place, to take notice, that both in that, and in your former paper, you doe affirme and insiste upon it, as if the Act for Naviga^con, and some other acts, made since 1660, were matter of injury and wrong to Scotland, and (as you say in your aforesaid paper of the third of February) contrary to the priviledges that doe belong, by lawe, to his Ma^tyes subjects of Scotland, borne under the allegiance of the King; which, if soe, there is noe roome or place for debate. But this kingdome is under an absolute obligac^con and tye, that all the said lawes be annulled and abrogated; and therefore wee doe desire, that your Lop^s would be pleased to shew us, how you doe found, and can make good, this assertion; and, in the mean time, wee say, that though the kingdomes of England and Scotland are under one King, yet that we conceive

ceive the kingdomes themselves to be wholly free to make such lawes, in point of trade and commerce, as they, each of them, conceive to be for their good and conveniency; and that wee know noe priviledge, belonging to the people of Scotland, taken away by any of the said lawes; and that the overtures which we shall make unto you, with relation to any of the said lawes, wee doe not make them as things wch^r wee are obliged to grant unto you, in point of right, but only upon considerac^ons of prudence and conveniency, and for the encrease of mutuall correspondence and kindnesse, betweene the people of bothe kingdomes, and upon presumption and confidence, that priviledges, immunities, and advantages, shall be granted by this treaty, to the people of this kingdome, tradeing into Scotland. And wee doe not finde, in the Articles of Union, wch^r were signed by Com^rs of bothe Kingdomes, in the raigne of King James, of blessed memory, that there was any insisting upon, or menc^on of right, on either side; but that they proceeded on such groundes, as wee doe now goe upon. And if we should putt your Lop^s in minde of propo^sitions, made by the kingdome of Scotland to his Ma^ty, in anno 1660, wee suppose you would easily agree, they were of a much transcending nature to any thing that hath beene enacted or propounded by this kingdome, in relac^on to the kingdome of Scotland.

No privilege taken fro' Scotland, by lawes made in England.

The overtures to be made, respect prudence, not right of Scotland.

Propo^sitions made to the King fro' the Parl: of Scotland.

And as to what your Lop^s doe hint, of the usage and freedome of trade, enjoyed by the people of Scotland, here, for soe many years, wee shall onely minde your Lop^s, that as by the

auntient

Severall
com'odities
prohibited.

Restrictions of
trade no marke
of seperation
but matter of
policy.

United Pro-
vinces.

antient lawes of this kingdome, the importinge of catle, out of Scotland into England, was prohibited; soe, by the Articles of Vnion, it was, in expresse termes, forbidden, to carry wooll, sheepe, sheepestells, catle, leather, hides, and linnen yarne, out of either kingdome into the other; yet the practice, as to severall of those com'odities, hath varied since that tyme, And, on the other hand, for the encouragement of the trade of making white salt in England, that the importinge of salt, out of Scotland, was restrained by acts of State, even in King James his time; and wee are informed, that the like restrictions have, since, been put upon the Balticke trade, And wee finde, in the Articles of Vnion, upon occasion of some of the abovementioned, and other restricc'ons of trade, this expression: " All wch' restricc'ons and ex-
" cepc'ons, before menc'oned, are not to be un-
" derstood or meant, in any sort, for any marke
" or note of seperac'on, or disunion; but onely as
" matters of pollicy and conveniency, for the se-
" verall state of each country."

And upon this occasion, it may not be amisse to observe to your Lop's, that the Seaven United Provinces (though united as they are yet) in relation to trade, they doe each of them, as they finde to be for their particular goode, impose restricc'ons, and highe customes, upon the com'odities comeinge thereunto, out of any of the other of the said provinces.

In the next place, we cannot but take notice, that in your Lop's paper of the 3^d of Febr', wee
finde

finde this clause : " That your Lop's doe expect,
 " wee will consent to the restoringe his Ma'tyes Trade, as in
 " subjects of Scotland, to the same freedome of K. James his
 " trade, here in England, and the dominions there- time, would be
 " unto belonging, wch^r they enjoyed dureinge the prejudiciall to
 " happy raignes of his Ma'tyes royall Grandfather Scotland at
 " and Father, of blessed memory,"—which were present.
 att once to take away all incorporac'ons, wch^r have
 been made since the beginninge of King James,
 either in relac'on to home or forreigne trade,
 And then, allsoe, neither catle, nor sheepe, nor
 leather, nor severall other com'odities, must passe
 out of either of these kingdomes, into the other,
 wch^r whether it would be to the advantage of Scot-
 land, wee leave to your Lop's considerac'ons.

And as to the Acts for Navigac'on and Trade,
 and severall other lawes ; if the subjects of Scot-
 land are to have the priviledges they had in King
 James his time, then they are not onely to have
 the priviledges of those acts, but to be free from
 the limitac'ons and restricc'ons putt uppon the
 English by them, and consequently they are to
 have much greater privileges in England, in re-
 lac'on to trade and navigac'on, then English men
 themselves.

Scotts to enjoy
 more privi-
 ledges than
 English.

And having premised these generalls, as to
 what your Lop's doe desire, concerning the Act
 for encouraging and increasing of Shipping and
 Navigac'on, in the severall particulars menc'oned,
 in your paper of the 21st of February last, wee
 answere as followeth :

To

Scots trade to
Tangier.

Plantac'ons in
America settled
by the blood
& estates of
Englishmen.

Trade of Spaine
& Portugall.

United Pro-
vinces.

To the first, concerninge the trade with his Ma'tyes plantac'ons in Asia, Africa, and America; that as to Tangeer, the Scotts have, at this day, liberty of tradeing thither; and as to his Ma'tyes plantac'ons in the East Indies, and upon the coasts of Africa, and severall in the West Indies, they doe belong to particuler companies and corporac'ons of English-men, and noe other English have any right of tradeing thither; and as to the rest of his Majesty's plantac'ons in America, that they were found out, possessed, planted, and built, by the labour, blood, and vast expences, of his Ma'tyes subjects, of the kingdome of England, and doe belong to the Crowne of England, and therefore, it cannot be reasonably expected, that Scotland should reape the benefitt thereof, and your Lop'ps doe knowe very well, that when Portugall was under the Crowne of Spaine, yet that neither the Portugall shipp, nor the shippinge of Flanders, or of severall other countries, under the Crowne of Spaine, traded to the Spanish West Indies; nor could any shippinge of Spaine, except those that belonged to Portugall, trade to the East Indies or Africa. And you alsoe knowe, that in the United Provinces it is not permitted to any shipping, but those that belong to their East India Company, to trade to the East Indyes, nor to any but those that belong to their West India Company, to trade to their colonyes in Africa, and the West Indyes. And his Ma'tyes subjects of England would have very little encouragement^r, to hazard & expend their lives and fortunes in the settling of colonies, if (when done) others shall goe away with the benefitt thereof.

And

And therefore, wee cannot allow, that the shippes and vessells of Scotland be permitted this trade.

To the second, wee are content, that his Ma^{ties} subjects of Scotland, be not debarred from exercising the trade or occupa^{con} of merchants, or factory, in any of the islelands, planta^{cons}, or territories, to his Ma^{tye} belonging, or in his possession, or wch may, hereafter, belong unto, or be in the possession of his Ma^{tye}, in Asia, Africa, or America; but that they be permitted to plant, or be merchants, or exercise any other occupa^{con} there, as freely as any Englishman.

Scots to be merchants and planters, &c. in the plantations.

To the 3^d, concerning the shipping of Scotland haveing liberty to bring into England, the goods and commodities that are of foreigne growth, producon, or manufacture, wee answer, that we can, by no means, consent to this desire, for that it would be too great a blow to the naviga^{con} of this kingdome: besides the kingdome of Scotland being wholly independent of itsel^f, and not subject to the Crowne of England, wee cannot have reasonable security and satisfac^{con}, that the said kingdome will keep up, and tye itself, to the strict observa^{con} of the restric^{cons} and limita^{cons}, sett downe in the Act for Naviga^{con}, with rela^{con} to this matter; and it would be mischevious to this kingdome, if the kindome of Scotland should enjoy the liberties and privileges of the said act, with rela^{con} to this article, and yett, by connivance or otherwise, should not be kepte to the stricte observance of the rules and limita^{cons} thereof. And for what your Lopps says, that this was freely practised.

Scots ships not to bring into England foreign goods in generall.

Scotland independent of England.

m m

tised.

Ireland subject
to the laws of
England.

tised ever since King James came into England, this argument hath beene already answered. Besides, the making of acts for navigac^on in this kingdome, is noe newe thing. They have, in all ages, made them; sometimes of one kind, sometimes of another, as trade hath varied, and the necessity of the times called for.—And whereas, your Lop^s doe, in severall places, give hints att Ireland, and seeme to make it a ground, why this, and other privileges, should be granted to Scotland, because granted to Ireland, the answer is most cleare and obvious (viz.) that Ireland is not onely under one King with us, as Scotland, but belongs to, and is, an appendix of the Crowne of England; and lawes made in the Parliament of England doe binde them; and noe lawe can be enacted by the Parliament of Ireland, but what passeth the Privy Councill of England; and orders of the Councill of England, and the Greate Seale of England, doe take place in Ireland; yea the Treasurer, and other great officers of state in England, have jurisdiction and superintendency in Ireland; by all which it is absolutely in our power, when we grant priviledges to them, to compell and keepe them up to the restrictions and limitations of them; all which is quite otherwise, in relac^on to Scotland.

The demands
desired for the
Scottish ships,
is prejudicial
to his Majesty's
Navy.

And for what you say, that it is of absolute necessity, for entertaining the shippinge of Scotlande, and keeping the seamen there, for his Ma^tyes service, wee answer, that the contrary is of as absolute necessity, for entertaining the shipping of England, and keeping the seamen here, for his Ma^tyes

Ma'tyes service. And wee thinke that the being of them here, where his Ma'tyes royal navy is, of the two is the more necessary. And it is notorious, that there are seamen enough in England, to drive the trade thereof, as the lawe nowe stands; and, consequently, the makeinge of soe great an alterac'on therein, must be proportionably to diminish the number of them here, to what they are, by this alterac'on, to be augmented in Scotland; nor doe we understand, how there will be any augmentac'on to his Ma'tyes customs, by this alterac'on.

But yett, to shew our willingnese to comply wth' your Lordshippes, as much as is possible, wee doe offer, as to this head :

1.—First, that all shipping, belonginge truly to his Ma'tyes subjects of Scotland, navigated with a master, and three fourth parts of the seamen, of his Ma'tyes subjects, may have the liberty of importing fish, and fish oyle, of their owne takinge and saveinge, into England, according to the priviledges granted them in the Act for Navigac'on.

Scots ships may import fish.

2.—That the said shippes or vessells, navigated as aforesaid, and fraughted onely by his Ma'tyes subjects, shall for the terme of six yeares, next ensuing his Ma'tyes ratificac'on of this treaty, have liberty to import into England, salt (not of Scottish makeing, reserving the busines, concerneing Scottish salt, to an article hereafter to be given to your Lopp's, upon that in particular) pitch, tarr, rosin, hempe, or flaxe, rafins, figs, prunes, olive

What goods Scots ships may bring to England, and whence, for six years, paying aliens duties.

Scots ships to
bring in timber,
for 6 yeares as
English.

oyle, all sortes of corne or graine, sugar, pott ashes, wines, vinegar, or spiritts, called aqua-vitæ, and brandy wine, and currants, and all sorts of commodities, of the growth, produc^tion, or manufacture of any of the countryes, islelands, dominions, or territoryes, to Muscovy, or the Ottoman or Turkish Empire, belonginge, from the same places from which the same may be nowe imported, and paying such customes and duties, as are to be paid for the like goods, if imported in the shipping of those respective countryes. And in regard of the great want of timber and boards, for the rebuilding of the citty of London, and being desirous to gratifie the Scottish nation, in whatever is possible for vs to doe, and therefore that they, rather than any other nac^on, should reape the benefitt thereby, wee offer, that they may import into England, in such shipping, and navigated as aforesaid, for the said terme of 6 yeares, all sortes of timber and boards, from Norway or elsewhere, paying for the said goods, during the said time, noe other custome or duties, than are to be paid by English men, in English shipping; and after the expira^on of the said time, such custome and duties, as shall be to be paid, by the shipping of those countryes, from which the same are imported, to wch^r customes and duties English men, themselves are subjected, if they import the said goods, in any other than English shipping, for the prevention of the defrauding of his Ma^tie of his dues.

Scotch ships
to export
goods, paying
only English
duties.

3.—Thirdly, wee offer, that the said shipping of Scotland, navigated and freighted as aforesaid, may, for the said terme of six yeares, shipp out of England,

England, all such commodities, as may be shipped out by English shipping, under the same customes and duties as are paid by English men, and noe other.

As to the fowerth article, the first part consists only in generals, and so is answered in the particular answeres to the other heades; and as to your Lopp's desire, concerning the vecture of goods, from port to port, in England, wee answer to this, as to the third article. And moreover, that the carrying of goods from port to port, in England, in any other than English shippinge, is prohibited, by another auntient lawe for navigac'on, as well as this, made in the 12th yeare of his Majesty's raigne. And as to what you further desire, that it be declared, that all other penalties, imposed upon aliens by this act, doe noe wayes concerne the subjects of Scotland, wee answer, that this is to aske more for the subjects of Scotland, then the subjects of England themselves, doe enjoy; for that, by the said act, Englishmen, themselves, in some cases, are to pay aliens duties.

Carrying goods from port to port, in England, in any but Englishe shipping prohibited by an auntient lawe.

English, in some cases, pay aliens duties.

As to the fift, wee did, sometye since, desire, that your Lopps would furnish us with a list of your forreigne built, and other shippinge; and we doe hereby renew that our desire; and that wee may have it with all speede. And wee doe offer, that such of them as are of forraigne built, may, for the said terme of six yeares, above mentioned, enjoy the priviledges, sett downe in the articles above expressed, in answer to the third head. But that, after the said six yeares, the said

A list of ships desired.

Forreigne built ships to have privilege for 6 yeares.

not

Scottish built
ships to have
priviledge for
ever.

forreigne built shippinge shall not enjoy any of the said priviledges ; which caution wee think absolutely necessary, for the avoiding of such frauds, as may, otherwise, be imposed upon us, in relac'on to for-
rigne built shippinge. And that, after the expira'ion of the said terme of six yeares, the priviledges mentioned in the said articles, shall belong to the shippes and vessells of the built of Scotland, and such as, they shall buy of English built, and noe other.

And thus, according to the methode proposed by your Lop's, you have, in the first place, our answere to that, which you are pleased to call the greatest obstruc'on of trade betweene the two kingdoms, the Act for Navigac'on. And we shall be ready, when we have your Lop's answere to this, to proceed to the rest, in order.

16 Mar: 1667-8.

By order of the Com'ms for the
Kingdome of England.

JOHN WALKER.

Jan. 10th, 1799.
Ex.^d J. Bruce.

APPENDIX, No. XXXVII.

SCO. COMRS^r paper (demanding w^t is meant by the clause in their paper of the 16th March, 1667) concerning propositions made fro^r the Parl^t of Scotland to his Maty, in 1660.

18 March, 1667-8.

Wee have yesterday received your Lop^{ps}, paper of the 16th instant, and are applying ourselves to returne you an answere, with all possible speede. In it, wee finde this exp^{re}ssion, (that if your Lop^{ps} should put us in minde of proposicons, made by the kingdome of Scotland to his Maty^e in anno 1660, you suppose wee would easily agree, they were of a much transcending nature, to any thing that has been enacted or propounded by this kingdome, in relac^on to the kingdome of Scotlande).

Now, because wee neither know, nor can call to minde, any such propo^sic^on (of which it seemes your Lop^{ps} can putt us in minde) therefore, to the end wee may be able to give you a cleare answere, wee doe desire, that your Lop^{ps} would
be

cclxxx APPEN. No. XXXVII.

be pleased to shew us, how you doe found, and can make good this insinua^con; and what those propo^sitions were, of soe transcending a nature; to the end wee may be able to give your Lop^s a cleare account, and all possible satisfaction concerning them.

By order of the Comr^t for the
Kingdome of Scotland,

March 18th, 1667-8.

JOHN DONN.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XXXVIII.

ENG^h COMRS^r Paper (wherein they explaine
w^t is meant by the Clause, in their Paper
of the 16 May, 1667, the Proposition
made by the Parl^t of Scotland to his
Maty, & again demand a List of Ships.

1st April, 1668.

Wee received your Lop^s paper of the 18th
of March last, signed, by your order, John Donn,
wherein you desire, that wee would informe you,
what those propoſitions are, which wee hinted att,
in ours of the 16th of that month, to have been
made to his Maty^e, in anno 1660, wherein wee ex-
pressed, that if wee should putt your Lop^s in
minde of them, you would easily agree, they were
of a much transcending nature, to any thing en-
acted or propounded by this kingdome, in relacon
to the kingdome of Scotland; to which wee re-
ply; that what was written concerninge this matter,
was onely by way of intimacon, and did not ex-
pect, that any further reflexion should have been
made thereupon. But since your Lop^s, by yours
of the 25th of the said month, doe againe presse
us to explaine ourselves, wee esteem ourselves
obliged to refresh your Lp^s memoryes, and shew,
you, that wee did not, upon slight and unwar-
n n ranted

ranted grounds, insert that expression ; from the Journalls of the House of Lords in Parliament (which are a record) wee finde;

Die Lunæ, 20th May, 1661. The Lord Chauncelor acquainted the House, that his Ma^tye had com^danded him to com^unicate to their Lop^s, a letter sent to him from his Parliament in Scotland, dated at Edenburgh, the 24th of April, 1661, and subscribed, your Ma^tye most humble, most faithfull, most obedient subjects & servants, the E^states of your Parliament of Scotland (their names being thereunto) and directed, To the King's most sacred and most excellent Ma^jestye; in which letter there is this clause; “ And it is our humble
 “ desire, that, for the further endearinge the af-
 “ fecc^ons of your people, and for compleating
 “ of their happines, in confidence in them, your
 “ Ma^tye may be pleased to order, that all the
 “ forces, to be made use of, within this kingdome,
 “ may consist of natives, and that all others may
 “ be removed.”

As to the latter part of this desire or propo^sic^on (that all others, except natives, may be removed) wee shall say noe thing; but as to the former part thereof (that all the forces, to be made use of in Scotland, may consist of natives) wee doe looke upon this to be a propo^sic^on of a trans-
 cending nature, to any thing that hath beene enacted or propounded by this kingdome, in relac^on to the kingdome of Scotland, Your Lop^s and wee doe both know, that the natives of Scotland have been, since that time, and are made use of
 and

and imploied, in this kingdome, in his Ma^{tye} guards, and other commands, trusts, and preferments, military, civill, and ecclesiasticall, without any distinction of nativity, or except^{on} thereunto, but whereas our paper said, these proposic^{ons} were made in anno 1660, wee know, wee shall easily have your pardon, it haveing beene only *vitium scriptoris*, and noe errors of ours.

And whereas your Lop^{ps} doe, in your paper abovement^{oned}, of the 25th of March, give us to understand, That you had (according to our desire of the 17th of February) written for an exact list of the shipp^s, now presently in the possession of Scotland, and have received one, but not so exact as wee did desire, but doe expect it speedily, wee pray that your Lop^{ps} would be pleased to expedite the said list to us; for until wee have received it, wee cannot well proceede upon the rest of the particulars in the said paper; but soe soone as it shall come to our hands, wee shall apply ourselves thereunto, with^r all speede.

And in the intrim, whereas, in the said paper, your Lop^{ps} say, that you will give notice into Scotland, that wee doe allow, that the shipp^s of Scotland may bring in timber, without paying aliens duties, wee doe not well understand, what the meaning of that exp^{ression} is, as applied to that particular alone; for wee suppose, there are other things, alsoe, in our concessions, that your Lop^{ps} would notifie into Scotland, as well as that Nor doe wee desire, your Lo^{pps} should have the trouble of giveing us any reason, why you thus
distinguish

distinguiſh this from other matters, therein men-
 coned; nor indeed doth it concerne us to know it.
 All wee ſhall ſay, on this occaſion, is, that wee
 are confident, wee neede not putt you in minde
 of what was agreed on betweene us, at our meeting
 of the 21^{ſt} of January, 1667. “ That noe thinge
 “ here menc’oned (at any time) be binding, or
 “ to be drawne into conſequence, in relac’on to
 “ the preſent treaty, unleſſe the whole matter
 “ treated of, ſhall be agreed on, by the Com’rs of
 “ both kingdomes.”

By order of the Com’rs of the
 kingdome of England,

April 1, 1668.

JOHN WALKER.

Jan. 10th, 1799,
 Ex^d J. Bruce.]

APPENDIX, No. XXXIX.

An ABSTRACT, for his Maty^r of the Act of
NAVIGATION.

20th May, 1668.

The Com^rs of Scotland, in their paper of the 21 Januar, 1667, demaund an absolute inclusion, in the Act of Navigac^on, made in anno 1660, as Englishmen; and that, in all things relating thereto, they be considered as English, and enjoy equall priviledges; and demaund, that as well their foreigne built shipping, as those of their owne built, may be comprehended in this priviledge; and in order thereunto, promise us a list of their owne, and forreigne built shipping.

In our paper, dated 16 March, 1667, wee answered; First, in relac^on to the plantation-trade, that the Scots doe trade to Tangier; that his Mat^yes plantac^ons in the East Indies, and severall in the West Indies, belong to particular corporations of Englishmen; that the rest, in America, were purchased and settled by the blood and estates of Englishmen; and there is noe reason, Scotland should reape the benefit thereof. But in relation
to

to Scottish-men, Wee doe not onely grant, that they be not debarred from being marchants or factors in his Ma^{tys} planta^tions, according to their desire, but moreover, that they may exercise any other occupa^tion there as freely as Englishmen.

Secondly, in relation to the European trade, we grant, that all the shipping, now in the possession of Scotland, may, for 6 yeares, import any salt (except Scottish salt, wch^r is to be treated of in particular) pitch, tar, rosin, hempe or flax, rasins, figs, prunes, olive oyle, all sorts of corne, sugar, pottashes, wines, vinegar, strong waters, currents, or any commoditie, of the growth or manufacture of Muscovy, or the Ottoman Empire, from the same places, fro^m wch^r the same may be now imported, paying the same duties as the ships of those countreyes pay.

That the said ships may, for 6 yeares, bring in timber, paying English duties, and after six yeares, paying the duties paid by the shipping of the countreyes, from wch^r the same is imported.

That the said shipping may, for 6 yeares, export out of England, all such comodities, as may be shipped out by English shipping, paying only English duties.

And wee judge it fitting, that all these before mentioned priviledges shall continue to their forreigne built ships for 6 yeares, and no longer (wch^r caution is absolutely necessary, for avoiding
such

such frauds as may, otherwise, be imposed upon England, in relation to forreigne built shipping) and after the 6 yeares, the said priviledges shall continue to all shipping of the built of Scotland, and such as they buy of English built, and no others.

And to the end wee might not bee imposed on, wee did in the said paper, desire a list of all their shipping, as well Scottish built as forreigne built, wch^r was promised to us; and we have, both before and since (by the Earle of Carlisle) at severall times, desired the the s^d list from the Com^rs of Scotland, but could never, to this hower, receive it; and without it, we cannot well proceede (as we have let them know) being to be guided, in part, in our judgm^{ts}, by the greater or lesser number in the s^d list, in what may be further fitting to be granted to them.

That we have been, long since, ready to proceede upon the other particulars, demanded by the Com^rs of Scotland, but are precluded by a paper of theirs, dated 3 Feb^ry 1667, in these words (viz^t.) “ But because, what wee have given “ in, relating to the Act of Navigaⁿcon, was the “ first in time, and is the greatest obstruction of “ our trade, and (indeed) without wch^r our trade “ cannot be carried on here, wee still insist upon an “ answere to it, in the first place, and then wee “ shall willingly proceede to treat on all the rest, “ in order.”

And

cclxxxviii A P P E N. No. XXXIX.

And therefore wee doe very much wonder,
that wee should be complained of, by any of the
Comrs of Scotland, as if the present treaty did
stop, or were retarded, on our part.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. XL.

SCO. COMRS^r Answer to the ENG. COMRS^r
Concessions conc. Navigation (and where-
in they sh^d mise a List of their Shipping.)

28th May, 1668.

Upon the 17th instant, wee received your
Lopps paper of the 16th of March, signed, by
your order, John Walker, wherein, before you an-
swere the p^{ar}ticulars menc^doned in ours of the 3d
of February, or our former of 21st January, you
hold yourselves obliged, in the first place, to take
notice, that in both, wee affirme and insist upon it,
as if the Act of Navigac^on, and some other acts,
since 1660, were matter of iniury and wrong to
Scotland, and (as wee say in our paper of the 3d
of February) contrary to the priviledges, that doe
belong, by law, to his Mat^{ies} subiects of Scot-
land, borne under the allegiance of the King;
and therefore your Lopps doe desire, that wee
would shew, how wee doe found, and can make
good this asserc^on.

To this wee answer, that wee cannot finde,
in either of our papers, that wee did affirme, or
o o insist

That the acts made here, in England, are contrary to the priviledge belonging, by law, to his Mat'yes subiects of Scotland.

Judges opinion, concerning Robt. Colvine.

Each kingdome may make lawes for their own good.

Scots willing to be tyed to the same conditions as English.

Propositions made to the King in 1660.

insist upon it, as if those acts menc'oned, were matters of wrong and iniury to Scotland; wee did indeede say, that they were contrary to the priviledges, that doe belong, by law, to his Mat'yes subiects of Scotland, borne under the allegiance of the King; and this assertion wee found upon the judgement of all the judges of England, in the case of Robert Colvine, and all the post-nati in England, wch may be seene in the speech of Chancellour Bacon, on that subiect, in my Lord Cheife Justice Cooke's Reportes, and summed up in my Lord Chauncellour Ellesmere's speech, in the Starr Chamber, printed by authority, in the yeare 1609: by which the law of England is declared, as fully and favourably for the post-nati in Scotland, as for those borne in Ireland, or in Jarsey and Garnsey, which have beene confirmed by the constant practice, ever since, excepting those late lawes, menc'oned in ours papers. Wee did not deny, but that each kingdome may make such lawes, in point of trade & com'erce, as they judge to be for their good and conveniency; yett wee hope your Lop's will finde it reasonable, that his Mat'ies subiects of Scotland, enioy the same priviledges in England, with his other subiects, borne under the same alleigiance, they being willing to be tyed up to the same condic'ons; and this, wee doe acknowledge, ought to be reciprocally. Wee did not plead any thing, as to this p'ticular, from the Articles of Union, signed in King James his time. And as to the last part of the first section of your Lop's paper, wee did, by our last, of the 18th instant, desire your Lop's to shew us, what those proposic'ons of soe transcending a nature, were

were (of which wee know noe thing) to the end wee may be able to give you a cleare account, and all possible satisfaccon. And untill your Lopps shall be pleased to putt us in minde of them, and receive our answere, wee hope such informac'ons will have noe weight with you.

As to what your Lopps say, in the next place, concerning our hinte of the usage & freedome of trade, enioyed be the people of Scotland, here, for soe many yeares; by which you minde us, that as, by the auntient lawes of England, the importing catle from Scotland was prohibited, soe, by the Articles of Union, catle, and other com'odities, were forbidden; wee answere, that wee know noe thing of those auntient lawes; wee well know, what was, at that time, resolved to be forbidden on both side, by the Articles of Union, and that almost all other things, now in question, were agreed. But seeing your Lopps here confesse, that yet, in practice, as to severall of those com'odities, it hath varied, since that time, wee neede say noe more, to make good our hinte, of the usage and freedome of trade for the many yeares. Wee are ignorant of those acts of state, restraining the importac'on of Scotts salt, and of the like restric'cons on the Balticke trade; but still wee conceive, those trades were free here, in practice, untill the yeare 1660.

Freedome of
trade in former
times, in-
sisted on.

Wee shall not trouble your Lopps with answering much your observac'on of the United Provinces, which wee conceive to be very forreigne to our debate: and of their government, we have not

United pro-
vinces.

had occasion to be soe particularly informed ; onely, in generall, wee thinke, the case very different. They are seaven soveraigne provinces, under noe one head : wee are two kingdomes, by Gods blessing, under one King, and all the subiects, under one alleigiance to his Ma^ytie.

Scots to be free,
as his Ma^yties
other subjects,
& under the
same limita-
tions.

In the next place, your Lop^s are pleased to take notice, that by our paper of the 3d of February, wee say, wee doe expect your Lop^s will consent to the restoreing his Majestyes subiects of Scotland, to the same freedome of trade, here in England, and the dominions thereunto belonging, which they enioyed dureing the happy raignes of his Ma^yties Grandfather and Father ; from which you doe inferre, that this were, at once, to take away all incorporac^ons, since the begining of King James ; to barre sheepe, catle, leather, and other com^odities, and to demand, not only the priviledges of the Acts of Navigac^on, and other Acts, but alsoe to be free from the limitac^ons and restricti^ons, putt upon the English, and consequently, to have much more priviledge in England, then Englishmen themselves. To this wee answere, that it is true, that wee have that clause in our paper of the 3d of February, in generall ; but it is as true, wee say there, wee have fully expressed our selves to the first and greatest obstruccon (the Act of Navigacon) by which wee had thought, wee had clearely referred to our former paper, on that behalfe, the 21st of January ; by wch^r paper, on every branch relâteing to that Act, wee desire noe more, than the priviledges granted to his Ma^yties subiects of Ireland, &c. And under the same limitac^ons

tac'ons and restricc'ons, as are exprest by that Act, for his Ma'tyes other subiects. This, wee beleived, might have secured us from such inferences, and wee still hope, when your Lop'ps consider both papers, you will be more charitable, then to beleive us soe extravagantly unreasonable, as to demand the $\text{\textit{P}}$ judiceing, much lesse the taking away, incorporac'ons; the barring of the commodities menconed, much lesse that wee should be free from the limitac'ons and restricc'ons putt upon the English, or to have more priviledges then English men themselves.

Thus much for your Lop'ps $\text{\textit{P}}$ romised generals: now, as to your $\text{\textit{P}}$ rticular answeres. First, concerning the trade wth' his Ma'tyes plantac'ons in Asia, Africa, & America, wee were forced to demand it in generall, because, in those generall words, wee are excluded. But it is apparent, by that part of our paper, that wee neither demand right of tradeing in the East Indyes or Guiney, nor in what belongs to any corporac'ons of English men, seeing wee limitt our demand to such a liberty, to shippes truely belonging to Scotland, freighted and sailed, according to the Act of Naviga'con, as is, by that Act, allowed to the King's subiects in Ireland, and to all the rest, except Scotland. Wee shall not trouble your Lop'ps with a long answer, to your instances of the practice of Spaine and Portugall, nor of the United Provinces; the latter not meeting with our demand, at all, seeing we $\text{\textit{P}}$ tend not, where English men have patents for companies. And as to Spaine, the two distinct kingdomes of Castile and Arragon, though governed by different lawes, yet, in matters of trade

The Scots desire not to trade to the East Indies.

Spaine & Portugall.

Barbados found
out by a Scot-
ishman.

Fower shippes
in a year to the
plantations,
for the use of
Scotland.

trade, they are equally free, in all the King of Spaine's dominions, both in Europe and America; and, as wee are informed, the subiects of Spaine and Portugall had, before their separac'on, more priviledges in one anothers plantac'ons, then wee demand. But your Lop'ps tell us, the plantac'ons doe belong to the crowne of England (which wee most willingly acknowledge), and you say, they were found out, possessed, planted, and built, by the labours, blood, and vast expences, of his Ma'tyes subiects of England; and therefore it cannot be reasonably expected, Scotland should reape the benefitt thereof. To this wee answere, that it is alleadged, that by the expence of the late Earle of Carlisle (a Scottsman) the Barbados, and other Caribby Islelands, were found out and planted; and wee are very sure, many hundred subiects of Scotland, prisoners for the King, were sould, and sent to the plantac'ons, where most of them lost their lives. Yett wee are far from desireing, to goe away with the benefitt, seeing you may see in that very first paper (though you did not take notice of it, in this answere) wee did, and doe declare, that wee are willing to treat and conclude with your Lop'ps, upon such assurances as can be reasonably demanded, that none of those comodities shall be transported by Scottish shippes, from the English plantac'ons, to any place beyond the sea; but that they shall be wholly brought into such ports of England, as shall be agreed upon; excepting onely such a very small number, for the consumpc'on of Scotland, as shall be agreed, betwixt your Lop'ps and us, which wee now offer, not to exceede fower vessels in the yeare. When
your

your Lop'ps shall confider all this againe, wee hope you will not give us foe positive and flatt a denyall. To the fecond, your Lop'ps grant to his Ma'tyes fubiefts of Scotland, to be merchants, or factors, or planters, or traders, in any of the plantac'ons, which will be of litle, or noe advantage, if wee be wholly debarred all trade there.

Scots to be
merchants in
the planta-
tions.

To the third, concerning liberty to the fhipps, truly belonging to his Ma'tyes fubiefts of Scotland, to bring into England the goods of forreigne growth or manufacture (wch' wee defire onely under the refticc'ons and limita'cons appointed for the fhipps of England) your Lop'ps tell us, you can, by noe meanes, consent; for that it would be too great a blow to the navigation of England; befides, the kingdome of Scotland being wholly independant, and not fubieft to the Crowne of England, you cannot have reasonable security and fatisfacc'on, that the faid kingdome will keepe up, and tye itfelfe, to the ftrict obfervation of the reftriCTIONS of the Act of Navigation. Your Lop'ps alfoe tell us, of the fubiection of Ireland to this kindome, and that they may be eafily kept up to the refticc'ons and limita'cons of the act, which, you fay, is quite otherwife, in relac'on to Scotland. Your Lop'ps likewise fay, this alterac'on defired, muft be proportionably to deminish the number of feamen here, to what they are to be augmented in Scotland. That it is notorious, there are feamen enough in England; and that you underftand not, how this will be any augmentac'on to his Ma'tyes customes here. To all which wee briefly anfwere; that

wee

Scots desire,
that English-
men may em-
ploy Scottish
ships.

List of ships
promised.

The Scots de-
sire a lasting
trade, not a
temporary.

wee see not how this will be soe great a blow to the navigac'on of England; long experience hath evinced the contrary; and the most considerable advantage wee propose, by this desire for maintaining our few shippes and seamen, is, the liberty for English merchants to freight them out, and to returne to London, wch̃, we conceive, would be a considerable advantage for carrying on the trade of this kingdome, and would encrease the king's customes. Wee wish the seamen here much more numerous then they are; yet if there were seamen enough, the King's shippes would be more easily manned; and that merchants would not be forced to give soe extraordinary wages. Wee shall not say any thing to the subiection of Ireland; but wee wonder your Lop's thinke it soe hard to gett reasonable security, and satisfacc'on, that the kingdome of Scotland will observe the restricc'ons. The list that your Lop's shall have of the shippes, their names, burden, build, will doe somewhat; and we hope the King, and those he trusts with his Government in Scotland, together wth̃ private bonds in the Custome House here, and other wayes, may give more then sufficient security; for it would make all treatyes too difficult; if none could give security to England, but only those that are under the government and lawes of England.

Next in order, are your Lop's concessions. And, first, to import diverse commodities, wch̃ you enumerate, for six yeares, but under the necessity of paying forreigne or aliens customes. To this we answere, that we doe desire to settle a lasting trade

trade, and not a temporary one; and if his mat'yes subiects of Scotland must pay aliens duties, it is almost a perhibi'ion.

Your Lop's allow the shippes of Scotland to bring in timber, without paying aliens duty (of which wee shall give notice into Scotland) but after the expira'ion of six yeares, you require aliens duty, wch', you say, Englishmen are subiected to, if they import in any other then English shipping, for the prevenc'ion of the defrauding of his Mat'ye of his dues. To which we answer, that the list of the shippes to be given in, and approved by your Lop's, will sufficiently provide against all fraude; and if the King's subjects of Scotland shall import in any other shippes, wee shall willingly submitt them to aliens duty; wch', wee hope, will be judged unreasonable to be demanded, even after the six yeares, for shippes now to be named and approven.

Scots comrs' will give notice, into Scotland, of liberty to bring in timber, as English.

List of the Scots ships promised againe, wch' will secure agt. fraudes.

The like wee say for the duties of shippes, exporting com'odities out of England.

By the fowerth article, wee onely desire, that his Maiestyes subiects of Scotland may not be used as aliens here, noe more then his other subiects, borne under his alleigiance; and this wee are confident your Lop's will judge reasonable; but wee doe not desire, not to pay aliens duties, in such cates where Englishmen pay them, our shippes, presently in our possession, being once allowed and approven.

Scots to pay aliens duties, where English doe.

A list of
Scottish ships
rec'd, but one,
more exact,
expected.

As to the 5th, wee have, according to your Lop'ps desire of the 17th of February, written for one exact list of the shippes, now presently in the possession of Scotland. Wee have received one, though not soe exact as wee desired; but wee do expect it speedily. And as that list will secure against all fraudes, soe we confidently expect, they will be allowed, soe long as they last, being freighted and sailed as wee have expressed; and with the provision expressed, in case we use any other hereafter, then shippes built in his Maiestyes dominions; for otherwise, after six yeares, wee must have noe trade here.

Goods import-
ed into Scot-
land, more than
expected.

Scots trade
must follow
their shipping.

Wee neede not insist much, of the great advantages this kingdome hath by the trade with Scotland, they are soe obvious. And as the Councill of Trade here, did represent to the Privy Councill, the goods imported into Scotland from this, exceed, more than the triple, of the value of the goods exported from Scotland thither. And if your Lop'ps shall deny us the use of our shippes here, now in our possession, and the freedome of importing goods hither, and ours being freighted from hence, with the other freedome of the Act of Navigac'on, above expressed, our shipping must inevitably perish, or wee bee constrained to carry our trade into forreigne parts, where wee may buy the comodities cheaper then wee buy them here; for our trade must necessarily follow our shipping, and wee must alsoe be compelled to joyne with others. As to the trade of fishing, the benefitt whereof wee much rather desire may be enjoyed here, by a conjunc'on with
us,

us, all which wee leave to your Lop'ps confidera-
c'ons, and doe hope your Lop'ps will come to
such resoluc'ons, as may continue the trade here,
and strengthen the good correspondence, betwixt
the two kingdomes, under his Ma'tye, wch' shall
be our most earnest desire and utmost endeavour.

By Order of the Comrs' for the
Kingdome of Scotland.

JOHN DONN,

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XLI.

DEMANDS of the COMRS^r of ENGLAND, and
Concessions on other Heads, besides Na-
vigation.

29th July, 1668.

Wee have hitherto, in compliance wth^r your
Lop^s desire, in your paper of the 3d of Febr.
1667, troubled you onely wth^r what related to the
Act of Naviga^con, and have, for many moneths,
expected (according to your promise, severall
times reiterated) to have received from you, a
list of your shipping, whereby wee might have
been enabled to put a finall end, to what related
to that head. But not haveing been able, as yet,
to obteyne the same from you, notwithstanding
our often desiring it, for our discharge, and to
testify our greate desire of bringing this good
worke to a happy issue, wee have thought fitt,
not longer to forbear; and doe herewith tender
you, what we have to offer, in rela^con to other
heads, wch[~] are either menc^oned in your Lop^s
papers, or wch[~] wee conceive to be convenient
and necessary, for the encourageing and settling of
the trade and intercourse, betweene both king-
domes, viz,

That

That his Matyes subjects of England shall not be lyable to an act passed in Scotland, in anno 1661, concerning bullion, nor any former act, to that purpose, for or in regard of any commodities they shall import into, or export out of Scotland.

That an act, passed in Scotland, in anno 1663, entituled, an Act for a new Imposition on English Commodities, be revoked.

That an act, passed in anno 1661, entituled, an Act for raising the Annuity of Forty Thousand Pounds Sterling, granted to his Maty~, so far as concernes any commodities imported into Scotland, out of England, or any other place, by English men, in English shipping, be revoked.

That an act, passed in Scotland in anno 1661, entituled, an Act discharging Tradesmen to import Made-worke, so far as it concernes English Manufactures, be revoked.

That an act, passed in Scotland in anno 1661, entituled, an Act prohibiting y^e Exporta^con of Skinns, Hydes, &c. and all other acts, to that effect, be revoked, so farr as relates to England.

Also, That the Lords of the Councell in Scotland, doe cause the acte, for encourageing of shipping and naviga^con, passed in Scotland, in anno 1661, to be forthwith put in execution, in relation to the goods of Asia, Africa, America, Turkey,

Turkey, Muscovy, & Italy ; but only what shall come from England, or from those respective places, in English or Scottish shipping, manned with three fourths parts of his Matyes^s subjects, and nutmegs, cinamond, cloves, and mace, from Holland, or other parts of Europe (excepting such liberty of bringing comodities of the growth of the Spanish & Portugall plantations, from Spaine and Portugall, as in the Act of Navigac^on, passed here, is provided & reserved). And that a supplementall Act of Navigac^on be passed in Scotland, for supplying the defects of the above-menc^oned act, wch^r are to be particularly specified by us.

And for the greater certainty and ease of merchants trading into Scotland, and the freeing them from the vexation & oppression of the officers of the customehouses there, that there be a booke of rates, setled in Scotland, wherein the rates of all English goods, or goods imported into Scotland in English shipping, shall be ascertained at the true value, and not pay above 5 p^{r} cent. And untill that be setled, the said goods to passe, *ad valorem*, upon the merchants oath, as is used in the customehouses in England, for goods not rated: excepting tobacco, imported from England, or in English shipping, to bee rated at 1d p^{r} pound; & wines, so imported, to be rated at such a duty, as shalbe agreed on by this treaty.

Also, that Englishmen, importing into Scotland any goods fro^m England, or fro^m any other parts,

parts, allowed by the Acts of Navigac̃on, before desired, shall have the like power & freedome of disposall thereof, in any port or place of Scotland, as the Scottish nation doe enjoy in London.

And, for the trade betweene the two kingdomes of England and Scotland, by land, wee desire, that it may be agreed to, that there shalbe paid for cattell, of all sorts, brought out of Scotland into England, or out of England into Scotland, the yeare throughout, as followeth, and no more; viz.

	£.	s.	d.
For every weather sheepe, -	0	0	6
For every hog sheepe, - -	0	0	4
For every ewe & lambe, -	0	0	6
For every lambe, - - - -	0	0	2
For every head of swine, -	0	0	6
For every head of great cattell,	0	2	6
For every horse, gelding, or mare, - - - - -	0	2	6
Also for every quarter of wheate, Winchester mea- sure, - - - - -	0	4	0
For every quarter of other graine, the like measure,	0	2	4
For every tunn of beere, -	0	2	0

But if your Lop̃ps have any thing to object against any of these rates, wee shalbe ready to hear your reasons.

And

And that the places to be appointed for the payment and receipt of the said respective duties or impositions, and of all other customes, for goods passing, by land, into, or out of either of the kingdomes, shalbe in Northumberland, bee at Berwicke, Wooler, & Rodbury, and in Cumberland, at Carlisle and Branton; and wee desire, that suitable places may be appointed, in Scotland.

And that all other victualls, of English or Scottish production, passe free by land, to and from both kingdomes, and all utensills of husbandry, wearing apparell, and jewells. And that all coales and timber, that shalbe carried by land, out of either of the said two kingdomes, into the other, shall passe free.

That all timber, of the growth of Scotland, shalbe imported into England, custome free, for ten yeares; and after that time, shall pay halfe custome to what other cuntries pay; and that the like priviledge be allowed for all such timber, as shalbe imported into Scotland from England.

As for the halfepenny ℥ gallon, imposed upon Scottish salt, imported into England, wee doe herewith transmitt to your Lop^{ps}, the papers given in to us, by the makers of such salt in England, wherein they doe affirme and maintaine, that the halfepenny, ℥ gallon, on Scottish salt, is but an equall ballance upon that trade, betweene bothe kingdomes, wherewith wee hope your Lop^{ps} will rest satisfied. But if otherwise,
and

and that your Lop'ps shall make out to us, that the measures, upon which the said papers are founded, are mistaken, wee shalbe ready to doe what may be fitt thereupon, for the settling a reasonable ballance of that trade. Yett, withall your Lop'ps will give us leave to putt you in minde, that, in the Act for raising the Annuity of Forty Thousand Pounds Sterling, granted to his Maty', abovementioned, wch' was before the laying of the imposition upon your salt in England, the sum of twenty shillings, Scottish money, was imposed upon each boll of the salt of this kingdom, if imported into Scotland.

As to what your Lop'ps desire, concerning fish, it is answered in our concessions, relating to the Act of Navigation.

As to what is said, concerning Scottish linnen cloath, wee consent, for the further encouragement of that manufacture in Scotland, that the additional duty be taken off.

As to the clause, mentioning an act 14^o Car. 2^{di}, wch^r forbids the carrying of skins into Scotland, it is answered by a law, late passed here, for free exportac'on of leather out of this kingdome.

Your Lop'ps desire, that Scottishmen and Scotland be not intended, where forreigners, or places beyond the seas, are menc'oned, being in generall; wee referr ourselves to our respective answeres, to the severall particulars mentioned in

q q

your

your Lop's papers, whereby it will appeare, what
tenderneffe we have towards the kingdome of
Scotland, in preferring them, in point of privi-
ledges in trade, before all other nations.

Jan. 10th, 1799.
Exd J. Bruce.

APPENDIX No. XLII.

DRAFT of INSTRUCTIONS given to the Comrs
of England.

1669-70.

CHARLES, &c.—Whereas the kingdomes of England and Scotland were first united in allegiance, and loyall subjection, in the person of our Royal Grandfather, since which happy conjunction it hath been very much indeavoured, that a nearer and more compleat Vnion might be settled betweene bothe kingdomes, and some progress, towards the attainment thereof, was made in the time of our Royall Grandfather; and wee, out of oure princely zeale, and fatherly care, for the welfare and happyness of all our subjects, persisting still in the same pious and prudent resolutions, have lately recommended it to the Parliaments of both our kingdomes, that commissioners might be nominated, to treat and consult concerning the Union.

And whereas, in our Parliament holden at Westminster, an act lately passed, in the 22 yeare of our reigne, entitled, an Act authorizing certain Comrs of the Realme of England; to treat with
q q 2 Comrs

Com^rs of Scotland, for the weale of bothe kingdomes.

In and by which Act of Parliament, to the end, our royall and gracious purposes might bee accomplished, and such a further union be treated and agreed upon, as would compleate and confirme, for ever, a constant, mutual, love and friendship, between the subjects of both kingdomes, It was enacted, that such persons to be nominated by us, under our greate seale of Englande, and such and so many of them, as we should appoint to be of the quorum, should have full power and authority, to assemble and meete, at such times and places as wee should please to appoint, and to treat and consult with certain other Com^rs, to be authorized by the Parliament of Scotland, of and concerning such a Vnion, between the two realmes, and of and concerning such other matters, causes, and thinges, as, upon mature deliberation and consideration, the greatest part of the said Com^rs, to be assembled as aforesaid, and the Com^rs to be authorized by the Parliament of Scotland, shall thinke convenient & necessary, for our honour, and the weale & comon good of both realmes, And that the said Com^rs shall reduce their doings & proceedings therein, into instruments tripartite, every part to be subscribed and sealed by them, to the end that one part thereof may be presented to us, another part thereof might be offered to the Parliament, for the realme of Englande, and another part to the Parliament of Scotland, at the next sessions of Parliament, to be held in such kingdome, respectively, after such
instrumente

instruments so subscribed and sealed, that there-upon such further proceedings might be had, as wee, and both the said Parliaments, to whom the consideration of the whole is reserved, should thinke fitt and necessary, for the com'on good of both the said kingdomes, as in and by the said act, relation being thereunto had, more at large it doth and maye appeare.

Now know yee, that wee, reposing especiall trust and confidence in your fidelities, abilities, prudence, industry, diligence, and circumspection, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, you, the said A. B. &c,—to be Com'rs of the realme of England in this behalfe, giving unto you, and any thirteen or more of you, full power and authority to assemble and meete with the Com'rs to be authorized by the Parliament of Scotland, or so many of them as shall be a quorum, at our citty of Westminster, the 14th day of September next; and then and there, to treat, debate, and conclude, of and concerning such an Vnion of the said realmes of England and Scotland, & of and concerning all and every such other matters and thinges, as you, and the major part of you, then and there assembled, shall judge convenient and necessary, for our honour, and the weale & comon good of both our said realmes, and also to doe and performe, all and every the acts and things, which, by the Com'rs to be nominated under our greateseale of England, ought, by vertue of the said act, to be done and performed; and so, from time to time, with or without adjournments,

adjournments, to assemble and meete, and to proceede in all and every the matters, herein, or by the said act, com'ited to your care, according to your best discretions. And you are to take care, that all your doings and proceedings, in and about the premiffes, be reduced into writings, or instruments tripartite, and duely prepared to be presented to us, and to the Parliaments of both our said kingdomes, in such manner and forme, as in and by the said act is enjoyned and required. For which, &c. In witness, &c.

Jan. 10th. 1799.
Ex^d J. Bruce.

APPENDIX, No. XLIII.

LETTERS from King CHARLES, & the Answers & Resolutions of the Parliament of SCOTLAND, touching the Unioun.

19th of October, 1669.

The Lord Commissioner produced in Parliament, a letter direct from his Majestie to the Parliament, dated the fiftenth of September, which letter, being tuise red, wes appointed to be recorded, & remitted to the Lords of the Articles, to be considered by them, & what answer is fit to be returned thereto : of the which letter the tenor followes ;

CHARLES R. My Lords & Gentlemen, we doe often reflect, with thankfulness & joy, upon the goodness of Almighty God, for restoreing us to our kingdoms, & them to their former libertie & peace : and wee acknowledge it a further instance of Gods goodnes, that as he hath filled our heart with kindness, towards our subjects of that our antient kingdom, & with a constant zeall to promote, what wee judge conduceable to their weillfair, so he hath blest us with returns from them of love, loyaltie, & readie compliance with our pleasure, on all occasions, most suteable thereunto : of which
our

our late Parliament hath given signall prooffe, as well as our other good subjects. And this gives us confidence, that the earnest desire wee have, to render this island more happie then ever it wes, in tymes past, by settling amongst all our good subjects, within the same, a mutuall affection, that may endure to all posteritie, shall meet with a free concurrence from you, our Parliament, whom wee have called together cheiflie for this end. The bringing of these two kingdomes of Scotland and England, to as close & strict an union, as is possible, is the means that wee propose, for effectuating thair of; which as it is the highest & noble designe we can have, for witnessing our royall affection to them both, so the accomplishment of it will raise our satisfaction, almost as high as our wishes: for by the union of the hearts & hands of our people, not only our throne shall be strentned, & they have peace & love settled amongst them for ever, but wee shall have the glorie of accomplishing, what our Royall Grandfather, King James, of ever blessed memorie, attempted, as the greatest thing he could devise; & wherein he, who wes a competent judge, placed the happines of the croun & kingdom, & wherein he meant to have gloried, as the cheefest action of his liffe. Wee have fully instructed our Commissioner, with our intentions as to this subject, & concerning such other matters, as seem to us to be usefull, for the constant peace & wellfair of the church & state in that kingdome. You are to give him full credite, & he will acquaint us with all matters, & what is further necessary for us to doe, will speedily be performed. So we bid you heartily fairwell.

Given

Given at our honor of Hamptoun Court, the 15 of September, 1669, & in the one & twentie yeer of our reigne. C. R.

At Edinburgh, 22 October, 1669.

The Lords of the Articles declared in Parliament, they had considered his Majesties letter, & had agreed upon the draught of an answer; which being offered to, & read in Parliament, was approven & signed, by order of Parliat, by the Lord Chancellour: of which letter the tenor followes;

Most sacred Soverane,

The goodnes of God, in restoreing your Majestie to yor government, & therby this your ancient kingdome to its former libertie & peace, hath been, & will ever, with all humble dewtie & thankfulnes, be acknowledged, as the greatest blessing wee are capable of in this world: and the many singular & renewed testimonies this kingdome hath since met with, of your fatherlie care, kyndnes, & zeall to promove it's wellfair & happines, in all its concerns, have so engadged the hearts and affection of your subjects, that wee can, with confidence, assure your Majestie, of a cheerfull concurrence from this kingdome, in everie thing which may tend to your Majesties honor, or the good of your people. We doe, with the lyk duety & thankfulnes, acknowledge your Majesties grace

r r

&c

& goodnes, in your desires to render this island more happie then ever it wes, in former tymes, by settling among your good subjects, within the same, such a mutuall affection, as may endure to all posteritie. And since the bringing of your tuo kingdomes of Scotland & England, to as clos & strict an union, as is possible, is the meane your Majestie proposes, for effectuating thair of, wee shall be readie to give our heartie concurrence therein; and in order thereunto, are willing that Commissioners be appointed for this kingdome, to treat with such as shall be imployed for the kingdome of England, upon the grounds & conditions of this Union: reserving always to the Parliament, to whom the resolutions of these Commissioners are to be returned, the consideration thereof, & the allowing or disallowing of the same, as they shall judge fit. And in confidence of your Majesties most excellent judgement, & great affection, in all things relateing to the happines of your people, whair of this kingdome hath alreadie had so many signall prooffs, wee doe frelie & hartily offer to your Majestie, the nomination of the persons to treat for this kingdome, with the appointing of their number, quorum, tyme, & place of their meeting; & upon signification of your Majesties pleasure therein, wee shall give such commissions & orders, for promoveing of the treaty, as (reserving the full determination of all to the Parliament, as aforesaid) shall witnes our cheerfull compliance with your Majesties designes. The Earle of Lawderdale, whom your Majestie, to the great satisfaction of your people, & interest of your service, hes been pleased to authorize, as your
Commis-

Commissioner, hath, in your Majesties name, renewed to us, the assureances of your Majesties care & respect to the good of this your antient kingdom, for which wee doe humbly returne to your Majestie the offer of our lives & fortunes, for the advancement of your Majesteis honour & greatness, & maintenance of your royall authority & government; & in everie thing that shall be proposed by him, wee shall not only give credite as to your Commissioner, bot also such cheerfull & readie obedience, which may evidence the loyalty of our hearts. And in testimony heirof, thir presents are, by warrand, & in name of your Parliament, signed, be

Most sacred Soverane,

Your Majesties most faithfull, most obedient, & most humble subjects,
& servants,

ROTHES, Can^{ls} J. P. D. Par.

At Edinburgh, 17 December, 1669.

The whilk day the Lord Commissioner presented to the Parliament, a letter directed from his Majestie, of the date the nynt day of December instant, whereof the tenor follows : Suprascibitur, CHARLES R. My Lords and Gentlemen, by our letter to you at your first meiting, & what wes then said by our Commissioner, you wer abundantlie informed of the earnestnes of our desire, to

have these our two kingdoms brought unto a strict union, which indeid hath been long in our thoughts & wishes ; & though wee have already made known to our Commissioner, by a letter writ with our hand ; our approbation & good esteem of his service, & to all our good subjects, by publishing our letter to you, his speech, & your answer, the reality of our satisfaction, in your hearty & ready compliance with our pleasure, wee have thought fit, by this, to give you a further testimony thereof, & of our kynd acceptance of your deference to us ; the confidence you have in us, & the advance you have made towards the union, in consenting to a treaty, & offering to our choise the persons, their number, the tyme, & the place for treating about it ; for which, & for the good laws you have past, especially those tuo, relating to our supremacy & militia, we give you, heirby, our hearty thanks. And that you may the better judge of the value we have of your confidence in us, wee doe assure you, that wee attribute your forwardnes in this matter, to your affection to us ; the regaird you have to the advantages which wee shew you, will thereby accrue to our Croun, & to your desire of the common wellfair of this iland, & not to any particular benefite you expect, to that our antient kingdom, by the Union wee proposed, all which would certanlie increase the good will wee bear you, & our other good subjects there, if it wer possible. Wee most likewise acquaint you, that wheras you may possibly conceive, that our Houses of Parliament here, might, by this time, have taken to their consideration what wee said to them, concerning the Union, they have
been

been hitherto, & may be yet, for some tyme, so taken up with the most important & pressing affairs, which must preceid, that wee cannot think fit to mynd them of it; & doe resolve to leave them to their own method, because wee would not interrupt them, nor seem to imagine, they need to be again myndit, of what wee have already seriously recommendit to them, not doubting they will, in course, take it into consideration. Mean time, because the other things, concerning which wee instructed our Commissioner, & such as relate only to the good of our kingdom, may be brought to a conclusion, before our Houses have entered upon the Union, it will be fit you separate for some time; & wee make no doubt, but you will, when you meet agane, bring with you the same affection to us & our service, you have hitherto so constantly & unanimously exprest. Wee have, in all particulars, fully instructed our Commissioner. And so wee bid you heartily fairwell. Given at our Court at Whitehall, the nynt day of December, 1669, & in the one & tuentie yeer of our reigne."

Edinburgh, 22d of July, 1670.

The Lord Commissioner produced his Majesties letter to the Parliament, which being read, was ordained to be recorded, & remitted to the Lords of the Articles, to be considered be them: whereof the tenor followes: Sic superscribitur,
CHARLES, R. My Lords & Gentlemen, the manifold

fold experience wee have, of your loyall & dutifull affection to our person & service, specialie in our late session, invits us, on all occasions, to signify to you, how sensible wee are therof. It is our constant studie to doe it, by acts of our royall care of the concernes of that our auncient kingdom, the peace & weelfare wherof are verie dear to us. At present, wee know not how to expresse both, better than by acquainting you, with the clear confidence wee have, of the constant continowance of your readie concurrence, in everie thing wee doe designe for the publiſt good, wherof you gave us in your last letter of the 23d of December, renewed assurances. In pursuance, therefore, of the proposeall wee made to you, at your first meeting, of a nearer conjunction of these our tuo kingdoms of Scotland & England, by as strict ane Union, as possible can be attained, wee have comanded our Comissioner to mynd you, of effectuating all those particulars you so readilie offered, in order to a treatie, for accomplishing the desyred Union; wherein wee, & our Houſſes of Parliament heer, not only have freelie concurred, but have done everie thing else, that is therto requisite, on behalf of this our kingdom of England. It remains, therefore, that you performe, as they have, what is further to be done by you; & you may be confident, nothing will be wanting on our part, that, by God's blessing, may render the treatie effectuall. You will find our Comissioner, to whom you shall give inteir trust, sufficientlie instructed be us, in all other maters, that aither wee could think on, or you can desyre, for mantaining the setled government of church & state in its lustre
&

& securitie, be making such lawes, as may be found yet further necessarie, for the preservation of peace & union, in that our kingdom: for effectuating wherof, wee know your zeal to our service will lead you to doe all that is requisite on your part, as our affection to you, & all our good subjects there, caries us to intend nothing, with greater fervor, then what wee judge conduceable to your comon weelfare; wherein wee account our oune inseperable concerned. And so wee bid you hartilie fairweel. Given at our court at Whytehall, the 7 day of July, 1670, & of our reign, the 22 year.

C. R.

At Edinburgh, the 30 Julii, 1670.

Forasmuch as the Kings most excellent Majestie, from his princelie zeal, & fatherlie care, of the weelfare & happines of his subjects (persisting in the same pious & prudent resolution of his royall Grandfather, King James, of ever blessed memorie, to endeavour a nearer, & more compleet union, betueen his tuo kingdoms of Scotland & England) hath recomended it to the Parliaments of both kingdoms, that commissioners might be nominat, to treat & consult concerning this Union, to the end that his Majesties royal & gracious purpesses therein, may be accomplished, and such a further union may be treated & agreed upon, as may compleat & confirme, for ever, a constant,

constant, mutuall, love & freendship, betuix his subjects of both realms.

Therfor his Majestie, with advyce & consent of his Estates of Parliament, doth heerby statute, ordaine, & enact, that such persons, or quorum therof, as shall be nominat be his Majestie, under his great seal of Scotland, are, be vertew & authoritie of this act, authorized, commissiōat, & impoured, to meet & assemble, at such tymes & places, as his Majestie shall appoint, & there to treat & consult, according to the tenor of there commissiō & authoritie in that behalf, under the great seal, with the Commissioners authorized by authoritie of the Parliament of England, of & concerning such a Union of the realmes of Scotland & England, & of & concerning such other maters, causes, & things, whatsoever, as, upon mature deliberation, the greatest part of the said Commissioners, assembled, as said is, & the Commissioners authorized by the Parliament of England, according to the tenor & purport of the commissiō in that behalf, shall, in their wisdoms, think convenient & necessarie, for the honour of his Majestie, & weel & comon good of both kingdoms, dureing his Majesties lyf (which Almighty God make long & prosperous) & of his aires, & lausfull successors, for ever; which Commissioners of both kingdoms shall, according to the tenor & purport of the commissiōs in that behalf, reduce there doeings & proceedings therein, into writings, or instruments tripartite, everie part to be subscryved & sealed be them, to the end that one part therof may, in all humblenes, be presented

to the Kings most excellent Majestie, another part therof offered to the consideration of the Parliament of Scotland, & another part to be offered to the consideration of the Parliament of England, at ther nixt sessions, to be held in aither kingdom, respective, after such wryteings or instruments shall be subscrived & sealed be the saids Comissioners, that therupon such furth proceeding may be had, as, by his Majestye, & both the saids Parliaments, shall be thought fit & necessarie, for the weel & comon good of both the said kingdoms; to whom the entire consideration of the whole, & the allowing or disallowing therof, or any part therof, as they shall think fit, is whollie reserved. Lykas, his Majestie, with advyce & consent forsaid, doth heerby statute & declair, that noe mater or thing, to be proposed, treated of, or agreed, by the said Comissioners, be vertew of this act, shall have any force or effect, or be put in execution, untill it be confirmed or established by act of the Parliament of Scotland.

Extract Records of the Parlt.
of Scotland, Book 27.

W. Robertson, Register Office, Edinbr.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. XLIV.

COMMISSIONERS for ENGLAND, for the
TREATY of UNION, intended betweene
the two Kingdomes of England &
Scotland, 1670.

L. Archbp. of Canterbury
L. Keeper of the G^t Seale
D. of Buckingham
D. of Ormond, L. Steward of his Ma'tyes House-
hold
E. of Manchester, L^d Chamberlaine of his Ma'tyes
Household
E. of Essex
E. of Anglesey
E. of Carlisle
Vi. Fauconberge
L. Bp. of Durham
L. Bp. of Chester
L. Arlington, Principall Secretary of State
L. Widrington
L. Townesend
L. Ashley
Sir Thomas Clifford, Kn^t, Trea'r of his Ma'tys
Household

Sir

Sir John Trevor, Kn^t Principall Secretary of State
 Sir Heneage Finch, Knt & Bart, his Ma'tyes At-
 torney-Generall

Sir Rob^t Carr, Knt & Bart

Sir Richard Temple, Bart

Sir Thomas Osborne, Bart

Sir Thomas Littleton, Bart

Sir Leoline Jenkins, Kn^t, Judge of the Admiralty
 Court

Sir Thomas Higgons, Kn^t

Sir Edmond Booley, Kn^t

13 to be a quorum.

COMMISSIONERS for SCOTLAND, for the
 TREATY of UNION, intended between
 the two Kingdomes of Scotland &
 England.

John Earle of Lawderdaill, his Ma'tyes High
 Comm^r for Scotland

Arch Bishope of St. Andrew's

Earle of Rothes, Lord High Chancellor

Earle of Marshall, Lord Privy Seale

Earle of Atholl

Earle of Home

Earle of Dumfermling

Earle of Lothian

Earle of Tweeddaill

Earle of Kincardein

Bishope of Dumblane

SS 2

Bishope

Bishope of Galloway
Lord Register, Sir Archibald Primrose
Lord Advocate, Sir John Nisbett
Lord Hatton, Charles Maitland
Lord Staire, Sir James Dalrymple
Lord Newbyth, Sir John Baird
Mr. William Erskin
Sir Robert Moray
Sir Archibald Moray, of Blackbarony
Sir Robert Sinclair, of Longformacirs
Sir Alex^r Frazer, of Dores
Sir William Bruce, of Balcaskie
Sir Andrew Ramsey, Provost of Edinburgh
Sir Patrick Moray.

13 to be a quorum.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX No. XLV.

HIS MAT'YES Message to the COMMIS-
SIONERS for the UNION.

17 September, 1670.

CHARLES R. His Ma'ty haveing, upon severall occasions, owned his hearty wishes of a most strict Union of these two kingdomes, in prosecution of the attempt made by his Royall Grandfather and Father, and in order thereunto, moved both his Parliaments, to authorize Commisrs^r for a treaty, doth very muche rejoyce in their ready and franke compliance with his desires, and the dutyfull respect they both expresse towards him, in the doing thereof; and hopeth that, not onely the Com'issioners, now happily mett about the treaty, shall agree upon the termes and condic'ons of this Union, but that, by the blessing of God, his Parliaments will doe their parts, in bringing it to perfection, as he purposeth to doe his: for his Ma'ty conceives, that the accomplishment thereof will conduce, asmuch as any thing on earth can doe, and indeede that it is the most proper meanes that can be imagined, for strenghtening and preserving of the royall government & peace of this island,

island, from being ever hereafter, shaken, as they have been of late. It will roote out all jealousies and animosities, for the future, amongst his subjects, & settle amongst them, a mutual and firme love and confidence, and for ever preclude all feares from abroad. It will open the way to the improvement of the fishing, & all other trades, and commerce, & facilitate the attaining such increase of riches and strength, as will put this island in a more flourishing condic'on, than hitherto could be reasonably hoped for; and soe render it more secure from ennemyes then ever, more usefull to freinds, & more considerable to all the world. And as his Ma'ty hath bestowed many serious thoughts upon this treaty, the particulars of the matter of it, and the termes of such an Union as he desires, hee is graciously pleased, for encourageing the Comi'ssioners, to offer to them some of his thoughts, in a few comprehensive heads, conteining such things as hee judges necessary to be considered, and from which many particulars will naturally arise, which will afford matter of debate: the result whereof, his Ma'ty judgeth, must bee an agreement, upon some such condic'ons & termes, as must, for the future, be unalterable; that soe the blessing of this Union may be accomplished, by rendering the breach of it as impossible, as humane counsells can make it.

The heads his Ma'ty proposeth to be treated of, are;

1. The preserveing, to either kingdome, their lawes, civill and ecclesiasticall, entire.

2. The

2. The reduceing of both Parliaments to one.

3. The uniteing of the two kingdomes into one monarchy, under his Ma'ty, his heires, & successors, inseperably.

4. The stateing of all priviledges, trade, and other advantages.

5. The securing the condic'ons of the Union.

His Ma'ty is pleased to offer these heads to the Commisr̃s for the Union, as matter of debate; but leaves it to them, to followe suche method, and make such proposalls on the subject, as shall occurre to them; and wisheth a happy and speedy close to their debates.

Jan. 10th, 1799.
Exd J. Bruce.

APPENDIX, No. XLVI.

LETTERS from K. WILLIAM to the
ESTATES of the PARLIAMENT of SCOT-
LAND, with their Answers, from 16
March to 24 April, 1689.

Ed^r, 16th March, 1689.

The maister having signified, that one Mr. Craine was at the door, and hade a letter from King James, to present to the meeting, he was called in, and did present the letter; and it being moved by some members, that the letter from the King might be read, The Lord President did resume the occasion of this meeting, being the address that was made by the noblemen and gentlemen of this kingdome, being at London, for the time, to the then Prince of Orange, desyring his Highness to take upon him the administration of the government, in respect of the disorders that were here, at the time, and to call a meeting of the estates; and did represent, that there was also a letter from his Highness, by whose authority they were met, to
this

this meeting, brought hither by the Earl of Levine, which his Grace desired might likewise be read; and it being argued, that it was fitt first to read the Princes letter, in regard they met by his authority and call, and that any thing therein contained could not dissolve the meeting, as the Kings letter might doe, it was resolved, first to read the Princes letter, whereof the tenor follows :

For the Estates of the Kingdome of Scotland, at
their Meeting at Edinburgh.

My Lords and Gentlemen,

Wee are very sensible of the kyndness and concern, that many of your natione hath evidenced towards us, and our undertaking, for the preservation of religion and libertie, which were in such eminent danger; nather can wee, in the least, doubt of your confidence in us, after having seen, how far so many of your nobilitie and gentrie have owned our declaratione, countenancing and concurring with us, in our endeavours, and desyreing that we should take upon us the administration of affairs, civil and military, and to call a meeting of the estates, for securing the protestant religion, the antient laws and liberties of that kingdome, which accordingly wee have done. Now it lies on you to enter upon such consultations, as are most probable to settle you on sure and lasting foundationes, which we hope you will set about, with all convenient speed, with regard to

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the public good, and to the general interest and inclinations of the people, that after so much trouble and great suffering, they may live happily and in peace, and that you may lay aside all animosities and factiones, that may impede so good a work.

Wee were glad to find, that so many of the nobilitie and gentry, when here, at London, were so much inclined to ane union of both kingdoms, and that they did look upon it, as one of the best means, for procureing the happiness of these nations, and settling of a lasting peace amongst them, which wold be advantagious to both, they liveing in the same island, having the same language, and the same common interest of religion and liberty; especially, at this juncture, when the enemies of both are so restless, endeavouring to make and increase jealousies and divisions, which they will be ready to improve to their own advantage, and the ruin of Britain. We being of the same opinion, as to the usefulness of this union, and having nothing so much before our eyes, as the glory of God, the establishing of the reformed religion, and the peace and happiness of these nations, are resolved to use our utmost endeavours, in advancing every thing which may conduce to the effectuating the same. So we bid you heartily farewell. From our Court at Hampstone, the 7th day of March, 1688-9. Sic sub^r.

WILLIAM R.

Ed^r,

Ed^r, 23^d March, 1689.

A letter from the Estates to the King of England, in answer to his Maties letter, directed to them, being read, voted and approven, doubles thereof were ordered to be subscribed, by all the members of the meeting, and the Lord Rofs named to goe alongst with the letter, on the publick charge; of which letter the tenor follows:

May it please your Majestie,

As religion, lyberty, and law, are the deareast concerns of mankind, so the deep sence of the extreme hazards these were exposed to, must produce suitable returns from the kingdome of Scotland to your Majestie, whom, in all sinceritie and gratitude, we acknowledge to be, under God, our great and seasonable deliverer. And we heartily congratulate, that as God has honoured your Majesty, to be ane eminent instrument for the preservation of his truth, so he hath rewarded your undertakings with success, in the considerable progress which you have made in delivering us, and preserving to us the protestant religion.

We returne our most dutifull thanks to your Majesty, for your accepting the administration of public affairs, and convening the Estates of this kingdom; and we shall, with all convenient diligence, take your gracious letter into our consideration, hoping shortly, by the blessing of God, to fall upon such resolutions, as may be acceptable to your Majesty, secure the protestant religion,

and establish the government, laws, and liberties of this kingdom, upon solid foundations, most agreeable to the general good and inclination of the people.

As to the proposal of the Union, we doubt not your Majesty, will so dispose that matter, that there may be an equal readiness, in the kingdom of England, to accomplish it, as one of the best means for securing the happiness of these nations, and settling a lasting peace. We have hitherto, and still shall endeavour, to avoid animosities or prejudice, which might disturb our counsells, that as we design the publick good, so it may be done, with the general concurrence and approbation of the nation. In the mean time, we desire the continuance of your Majesties care and protection towards us, in all our concerns, whereof the kind expressions in your gracious letter, have given us full assurance. Signed, in name of us, the Estates of the Kingdom of Scotland, by our President, May it please your Majesty, your Majesty's most humble, most faithful, and obedient servant, Sic subscribitur.

HAMILTON, P.

A double of which letter is subscribed by the nobilitie, as follows :

Queensberry, Douglas, Atholl, Erroll, Marischall, Argyll, Morton, Crawford, Southerland, Marr, Eglintoun, Linlithgow, Leven, Glencarn, Forfar, Tarras, Tweeddale, Lothian, Annandale, Dundonald, Kintore, Lovett, Kenmoir, Arbuthnet,

net, Tarbat, Cardrofs, Elphinston, Rofs, Torphichen, Forrester, Blantyre, Bargany, Beilhaven, Carmichael, Ruthven.

Subscribed by the Barons, as follows :

J. Majtland, Ro. Sinclair, Pat. Hume, Polwart, Patt. Scott, William Scott, Andrew Agnew of Lochnaw, James Montgomerie of Skelmorlie, Da. Boyle of Kelburne, J. Forbes of Craigivar, Ja. Mair of Stonniewood, Jo. Dempster, Brodie of that ilk, Tho. Dunbar, H. Anstruther, Ad. Cockburn, Ar. Cockburn of Langtoun, J. Houstoun of that ilk, Burnet of Leys, D. Forbes of Colloden, W. Bailzie of Lamingstoun, Ar. Murray of Blackbarony, D. Carmichael, Jo. Maxwell, W. Cunningham, Patrick Murray Livingstoun, Haldane of Glenegies, Lodovick Grant, D. Campbell Auchenbrock, John Campbell Carwick, Jo. Gordon of Embo, Da. Erskin Dun, Wm. M^c Dougal of Garthland, Blair of that ilk, D. Hamiltoun, William Colhoune, Charles Arskine, Tho. Drummond of Ricartoun, Alex^r Arbuthnot of Knox, H. M^c Guffock, Ad. Gordon, D. Arnot of Arnot.

Subscribed by the Commissioners for Burghes, as follows :

John Hall, George Stirling, Robert Smith, Ja. Fletcher, Alex^r Gordoun, William Higgins, James Smith, John Anderfone, John Boifwall, J. Mudie, David Spense, A. Ged, Patrick Wallace, Adam Ainslie, Jo. Ewart Hamiltone, Patrick Stiven, John Mure, Hew Kennedy, Alex^r Spittill,
John

John Moor, Alex^r Cunningham, W^m Rofs, Will.
Cochran, Geo. Smith, J. Murray, Ja. Smoller,
William Cochran, Ja. Stewart, Will. Arskine, Pat.
Murdoch, Jo. Rose, Jo. Scott, Ro^{tt}. Cleiland, Hew
Wallace, Jo. Boswell, Geo. Gordon, Ja. Kennan,
Hugh Brown, Will. Hamiltoun, Jo. Anderfon,
W^m. Bellie, J. Gordon, Jo. Dalrymple.

Records of the Parl^t of
Scotland, Book 30.
W. Robertson.

Act nominating COMMISSIONERS to treat,
concerning the Union of the two King-
doms.

April 23, 1689.

The Estates of the Kingdom of Scotland doe
nominate and appoint the persons following, being
eight of every state, viz. the Earls of Argile, Craw-
ford, Lothian, Annandale, and Tweddale, the
Lords Rofs, Cardross, and Melvill, for the nobi-
lity; Sir John Maitland, Adam Cockburn of Or-
mestoun, Sir Patrick Hume of Polwart, Sir Archi-
bald Murray of Blackbarony, William Blair of
that Ilk, Sir James Montgomery of Skelmorlie,
Thomas Drummond of Riccartoun, and the Laird
Grant, for the barons; Sir John Hall, Provost of
Edinburgh, Sir Charles Halket, Sir John Dal-
rymple,

rymple, Mr. James Ogilvie, James Fletcher, Mr. William Hamiltoun, Mr. John Murray, and John Muir, Commissioner for the town of Air, for the Burrows; with the Lord Duke of Hamilton, their president, as supernumerary; to meet, with such persons, as shall be nominate Commissioners by the Parliament of England, and to treat concerning the Union of the two Kingdoms.

Scotch Acts of Parliament,
Vol. 3. p. 163.

10th Jan. 1799,
Ex^d J. Bruce.

Ed^r, 24th Apryll, 1689.

The letter, underwritten, was direct from the Estates to the King's Majestie.

May it please your Majestie,

The settling of the monarchie, and ancient government of this Kingdome, admitting no delay, we did, upon the eleventh instant, proclaime your Majestie, and your royal consort, King and Queen of Scotland, with so much unanimity, that of the whole House, there was not one contrary vote. We have nominate the Earle of Argyle, Sir James Montgomerie of Skelmorlie, and Sir John Dalrymple, in our name, to attend your Majesties, with the chearful offer of the crown, and humbly to present the petition, or claime of right of the subjects of this kingdome; as also to represent

sent

sent some things, found grievous to this nation, which we humbly entreat your Majestie to remeid, by whollfoume laws, in your first Parliament. And in testimony of your Majesty and the Queen's acceptance, we beseech your Majesties, in presence of those sent by us, to swear and sign the oath, herewith presented, which our law hath appointed to be taken by our Kings and Queens, at the entry to their government, till such time as your great affaires allow this Kingdome the happines of your presence, in order to the coronation of your Majesties.

We are most sensible of your Majesties kyndnes and fatherly care to both your kingdomes, in promoveing their union, which, we hope, hath been reserved to be accomplished by you, that as both kingedoms are united in one head and soveraigne, so they may become one body politick, one nation, to be represented in one Parliament. And to testifie our readines to comply with your Majestie, in that matter, we have nominated Commissioners, to treat the termes of one entire and perpetual union, betwixt the two kingdomes, with reservation to us of our church government, as it shall be established at the time of the Union. These Commissioners do wait your Majesties approbation and call, that they may meet and treat with the Commissioners to be appointed for England, at what time and place your Ma'tie shall ap-
poynt. And if any difficulty shall arise in the treatie, we do, upon our part, refer the determination thereof to your Ma'tie. And we doe assure ourselves, from your Majesties prudence
and

and goodness, of a happy conclusion to that important affair, so as the same may be agreed to, and ratified by your Majestie, in your first Parliament. Wee doe likewayes render your Majestie our most dutyful thanks, for your gracious letter, brought to us by the Lord Ross (a persone well affected to your service) and for your princely care, in sending downe these troupes, which may, in the meane tyme, help to preserve us, and when the season offers, may be employed towards the recovery of Ireland from that deplorable condition, and extreame danger, towch the Protestants ther are exposed. The guarding our coasts with a good fleet, preserves England, as well as us, from an invasion. And as it is the interest of England, to contribute to secure us from the first impressions of the common danger, so wee shall not be wanting, on our part, to give our assistance, for reducing of Ireland, that all your Majesties kingdomes may flourish in peace and truth, under the auspicious influence of your happy reignes. Signed, at the desire of the Estates, and in our name by our President.

May it please your Majestie, your
Majesties most humble, most
obedient, & faithful subject &
servant, Sic sub^{tr}

HAMILTON, P.

Records of the Parliament of Scotland,

Book 30.

W. Robertson.

Jan. 10th, 1799.

Ex^d J. Bruce.

APPENDIX, No. XLVII.

EXTRACT from the KING'S SPEECH, March
21st, 1689.

Lords Journals, Vol. 14, p. 434.

I must recommend, also, to your consideration, an Union with Scotland. I do not mean it should now be entered upon; but, they haveing proposed this to me, some time since, and the Parliament there having nominated Commissioners for that purpose, I should be glad that Commissioners might also be nominated here, to treat with them, and to see if such terms could be agreed on, as might be for the benefit of both nations, so as to be presented to you in some future session.

EXTRACT from the LORDS JOURNALS,
Feb. 12, 1699, Vol. 16, p. 514.

WILLIAM R.

His Majesty having received a very dutiful
address from the House of Peers, in relation to
the

the endeavours lately used by some of his Majesty's subjects of the kingdom of Scotland, towards making a settlement at Darien, in which they humbly represent to him their opinion, that such a settlement is inconsistent with the good of the plantation-trade of this kingdom, is pleased to let the House know, that he will always have a very great regard to their opinion, and to assure them, he will never be wanting, by all proper means, to promote the advantage and good of the trade of England. At the same time, his Majesty is pleased to declare, that he cannot but have a great concern and tenderness for his kingdom of Scotland, and a desire to advance their welfare and prosperity; and is very sensibly touched, with the loss his subjects of that kingdom have sustained, by their late unhappy expeditions, in order to a settlement at Darien. His Majesty does apprehend, that difficulties may, too often, arise, with respect to the different interests of trade between his two kingdoms, unless some way be found out, to unite them more nearly and compleatly; and therefore his Majesty takes this opportunity, of putting the House of Peers in mind, of what he recommended to his Parliament, soon after his accession to the throne, that they would consider of an Union between the two kingdoms. His Majesty is of opinion, that nothing would more contribute to the security & happiness of both kingdoms; and is inclined to hope, that after they have lived, near an hundred years, under the same head, some happy expedient may be found, for making them one people, in case a treaty were set on foot for that purpose;

and therefore he does very earnestly recommend this matter to the consideration of the House.

KING WILLIAM'S Recommendations of an
UNION between ENGLAND & SCOTLAND
to the English Parliament. Feb. 2,
1701.

WILLIAM R.

His Majesty being at present hindered, by an unhappy accident from coming in person to his Parliament, is pleased to signify to the House of Peers, by message, what he designed to have spoken to both Houses from the throne. His Majesty, in the first year of his reign, did acquaint the Parliament, that Commissioners were authorized in Scotland, to treat with such Commissioners as should be appointed in England, of proper terms, for uniting the two kingdoms; and, at the same time, expressed his great desire of such an Union. His Majesty did also, in a message of the 12th of February, one thousand six hundred and ninety nine, to this House, declare his opinion, of the great advantages which would arise to both kingdoms, if they were more nearly and compleatly united. His Majesty is fully satisfied, that nothing can contribute more to the present and future peace, security and happiness of England and Scotland, than a firm and entire Union between them; and he cannot but hope, that
upon

upon a due consideration of our present circumstances, there will be found a general disposition to this Union. His Majesty would esteem it a peculiar felicity, if, during his reign, some happy expedient for making both kingdoms one, might take place; and is therefore extremely desirous, that a treaty, for that purpose, might be set on foot, and does, in the most earnest manner, recommend this affair to the consideration of the House.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XLVIII.

QUEEN ANNE's Warrant, appointing COMMISSIONERS for ENGLAND.

25 August, 1702.

ANNE R.

Our will and pleasure is, that you prepare a bill, for our royall signature, to passe our great seal, in the words, or to the effect following:

Anne, by the grace of God, &c.—To the most reverend Father in God, Thomas Archbishop of Canterbury; our right trusty, and wellbeloved Counsellor, S^r Nathan Wright, our Keeper of our Great Seale of England; the most reverend Father in God, John Archbishop of York; our right trusty, and welbeloved Counsellor, Sidney, Lord Godolphin, our High Treasurer of England; our right trusty, and right welbeloved Cousin and Counsellor, Thomas Earle of Pembroke and Montgomery, our President of our Councell; our right trusty, and entirely beloved Cousin and Counsellor, John Marquess of Normanby, our Keeper of Privy Seal, our right trusty, and right entirely beloved Cousins and Counsellors, William Duke of Devonshire, our Steward of our Household,
and

and Charles Duke of Somersett, our Master of our Horse; our right trusty, and right entirely beloved Cousin, John Duke of Newcastle; our right trusty, and right beloved Cousins & Councillors, Charles Earle of Carlisle, Earl Marshal of England, during the minority of the Duke of Norfolk; Edward Earle of Jersey, our Chamberlain of our Household; Charles Earle of Burlington, Daniel Earl of Nottingham, one of our Principal Secretarys of State; Laurence Earl of Rochester; John Earl of Marlborough, our Captain Generall of all and singular our Forces, and Master Generall of our Ordinance; Richard Earl of Scarborough; the right reverend Father in God, Henry Bishop of London; our right trusty, and welbeloved Councillors, Sir Charles Hedges, our other principal Secretary of State, Sir John Holt, Chief Justice of our Court of Queen's Bench, Sir Thomas Trevor, Chief Justice of our Court of Common Pleas, Sir John Leveson Gower, Bart. Chancellor of our Dutchy of Lancaster, our right trusty, and welbeloved S^r Christopher Musgrave, Bart, Sir John Cooke, Kn^t, Doctor of Laws, Our Advocate Generall, Robert Harley, Esq^r. Charles Godolphin, Esq^r. Samuel Clark, Esq^r. and Stephen Waller, Doctor of Lawes, Greeting. Whereas the kingdomes of England and Scotland were first united in allegiance and loyall subjection, in the person of our royall Great Grandfather, King James the First, since which happy conjunction it hath been very much endeavoured, that a nearer and more compleat union might be settled between both kingdomes, and some progress, towards the attainment thereof, was made, not only in the time of

our said late Great Grandfather, but also in the time of our late Royall Uncle, King Charles the Second; and whereas wee, out of our princely zeal and care, for the welfare and happiness of our subjects, being also desirous of a nearer and more compleat union between our two said kingdomes of England and Scotland, did recommend to our Parliament of England, from the throne, to consider of proper methods for obtaining the same; and whereas, in our Parliament held at Westminster, in the present first year of our reign, an act passed, entituled (an Act for enabling her Ma^{ty} to appoint Commissioners to treat for an Union between the Kingdomes of England and Scotland) in and by which act of Parliament, to the end that our royall and gracious purposes may be accomplished, and such a farther union might be treated and agreed upon, as might compleat and confirm, for ever, a constant mutuall love and friendship, betweene y^e subjects of both realmes, it was enacted, that such persons as should be nominated by us, under our great seal of England, or such and so many of them as should, in that behalf, be appointed by us to be of the quorum, should, by force of the same act, have full power, commission, and authority, at such time & times, & in such place or places, as wee should please to appoint, to assemble and meet, and thereupon to treat & consult, according to y^e tenor or purport of their authority or commission in y^e behalf, with certain commissioners, as should be authorized by authority of the Parliament of Scotland, of and concerning such other matters, clauses, & things, whatsoever, as, upon mature deliberation & con-
sideration

consideration of the greatest part of the said Commissioners, assembled as aforesaid, and the Commissioners to be authorized by the Parliament of Scotland, according to the tenor or purport of their Commission in y^e behalf, should, in their wisdoms, think convenient & necessary, for our honour, and y^e weal & common good of both our said kingdomes, for ever; & y^e the Commissioners of both the s^d kingdomes should, according to the tenor & purport of the said authorities or commissions in that behalf, reduce their doings and proceedings therein into writing, or instruments quadruplicate, every part to be subscribed and sealed by them, to the end that one part thereof may, in all humbleness, be presented to us, two other parts thereof to be offered to the consideration of the Parliament, for the realme of England, & another part to be offered to the consideration of the Parliament, for the realme of Scotland, at their next Sessions, wh^{ch} should be held in each kingdom, respectively, after such writings or instruments should be subscribed & sealed by the said Commissioners, that thereupon such further proceedings might be had, as wee, and both the Parliaments, should thinke fit and necessary, for the weale and common good of both the said kingdomes, to whom the entire consideration of y^e whole, and the allowing, or disallowing the whole, or any part thereof, as they shall think fitt, is wholly reserved, as in and by the said act (relation thereunto being had) may more at large appear. And whereas the Parliament of Scotland did, in the first year of our reign, shew their desire of an union, between the two kingdomes, now know yee, that wee, reposing

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ing especiall trust and confidence in your fidelity, abilities, prudence, industry, diligence, and circumspection, have nominated, constituted, & appointed, & by these presents do nominate, constitute, and appoint you, the said Thomas Archbishop of Canterbury, Sir Nathan. Wright, John Archbishop of York, Sidney Lord Godolphin, Thomas Earle of Pembroke and Montgomery, John Marquesse of Normanby, William Duke of Devonshire, Charles Duke of Somersett, John Duke of Newcastle, Charles Earl of Carlisle, Edward Earl of Jersey, Charles Earl of Burlington, Daniel Earl of Nottingham, Laurence Earl of Rochester, John Earl of Marlborough, Henry Bishop of London, Richard Earl of Scarborough, Sir Charles Hedges, Sir John Holt, Sir Thomas Trevor, Sir John Leveson Gower, Sir Christopher Musgrave, Sir John Cook, Robert Harley, Charles Godolphin, Samuel Clark, and Stephen Waller, to be Commissioners of the realm of England, in this behalf; giving unto you, & any thirteene or more of you, full power and authority, to assemble and meet with the Commissioners, authorized, or to be authorized by us, pursuant to the said act, made in our parliament of Scotland, or so many of them, as shall be a quorum; at our city of Westminster, upon the 27th day of October next, and then and there to treat and consult, of and concerning such an union of the said realms of England and Scotland, & of and concerning such other matters, clauses, and things, whatsoever, as you, and y^e Commissioners authorized, or to be authorized, as aforesaid, or the major part of you and them assembled, shall think convenient and necessary,

necessary, for our honour, and y^e weal & common good of both our said kingdoms, for ever; and from time to time, with or without adjournment, to assemble and meete, & to proceed, in all and every the matters herein, pursuant to y^e said acts, committed to your care, according to your best discretions. And you are to take care, that all your doings and proceedings, in and about the premises, with the Commissioners authorized, or to be authorized, as aforesaid, be reduced into writings, or instruments quadrupartite, and y^e every part thereof be subscribed & sealed by you and them, and be presented unto us, and to the Parliaments of both our said kingdomes, in such manner and forme, as, in and by the said act, is enjoined and required. In witness, &c.—witness, &c.

And for so doing, this shall be your warrant. Given at our Court at Windsor, the 25th day of August, 1702, in the first year of our reign.

By her M^atys command,

NOTTINGHAM.

To our Attorney or
Solicitor Generall.

Warrant Book, Vol. VIII.
1702 to 4, page, 47.

Jan. 10th, 1799,
Ex^d J. Bruce.

26 Oct. 1702.

WARRANT for putting off Meeting of COM-
MISSIONERS, till 10 Nov.

Anne, by the Grace of God, Queen of England, Scotland, France, and Ireland, Defender of the Faith, &c. To the most reverend Father in God, Thomas, Archbishop of Canterbury, &c. &c. greeting, Whereas, by our commission, under our great seal of England, dated at Westminster, the 26 day of September, last past, pursuant to an act, made in our Parliament held at Westminster, in the first year of our reign, entitled, an Act for enabling her Ma^yty to appoint Commissioners, to treat for an Union, between the kingdoms of England and Scotland, wee have authorized you, or any thirteen or more of you, to assemble and meet, with the Commissioners authorized, or to be authorized by us, pursuant to an act for that purpose, made in our Parliament of Scotland, or so many of them, as shall be a quorum, at our city of Westminster, upon the 27 day of this instant October, and, then and there, to treat and consult, of and concerning such an Union of the said realmes of England and Scotland, and of and concerning such other matters, clauses, and things, whatsoever, as you and the Commissioners authorized, or to be authorized, as aforesaid, or the major part of you and them assembled, shall think convenient and necessary, for our honour,

nour, and the weale and common good of both our said kingdomes, for ever, and, from time to time, with or without adjournment, to assemble & meet, and to proceed therein, according to your directions. And wee being informed, that the said 27th day of October, instant, will be inconvenient for yourselves, and the Commissioners by us appointed, for the kingdom of Scotland, wee therefore doe hereby discharge you, as wee have done our said Commissioners, for our kingdome of Scotland, from meeing on the said 27th day of this instant October; and doe hereby direct, authorize, and impower you, or any thirteen or more of you, to assemble and meet, with the Commissioners, authorized by us for our kingdome of Scotland, or so many of them, as are appointed to be a quorum, at our city of Westminster, upon Tuesday the tenth day of November next, and then and there to treat & consult, of and concerning such an Union of the said realmes of England & Scotland, and of and concerning such other matters, clauses, and things, whatsoever, as you, and the Comrs~ authorized, or to be authorized, as aforesaid, or the major part of you and them assembled, shall think convenient and necessary, for our honour, and the weal and common good of both our said kingdomes, for ever, and from time to time, with, or witout adjournment, to assemble and meet, and to proceed, in all and every the matters in our said commission expressed, according to the tenor thereof. In witness whereof, wee have caused these our letters to be made patents. Witness ourself, at St. James, the 26th day of October, in the year of our Lord, 1702, and in the first year of our reign.

WARRANT

WARRANT for altering the Number of COM-
MISSIONERS, which form a QUORUM.

21 Jan. 1702-3.

ANNE R.

Whereas, by our commission, under our great seal of England, bearing date the 26th day of September, last past, wee have constituted and appointed the most reverend Father in Go, Thomas, Archbishop of Canterbury, and several other persons, therein named, our Commissioners, pursuant to y^e act of parliament in that behalfe made, to treat of an Union of our realmes of England and Scotland, with the Commissioners authorized, or to be authorized by us, pursuant to an act, made in our Parliament of Scotland, or so many of them as shalbe a quorum; and, by our said commission, have constituted and appointed any thirteen of the said Commissioners to be a quorum, for the purposes therein mentioned; and whereas wee doe now think it necessary to appoint any seven of the said Commissioners to be a quorum, for the same purposes; our will and pleasure is, that you prepare a bill, for our royall signature, to pass our great seal, for granting full power and authority to any seven of the Commissioners, constituted by our commission abovementioned, to perform and execute all and singular the matters and things, which any thirteen of our said Commissioners were authorized to perform

form and execute by our said commission; and you are to insert therein, all such clauses as you shall judge necessary in this behalf. For which this shall be your warrant. Given at our Court at St. James's, the 21st day of January, 1702-3, in the first year of our reigne.

By her Ma^{ty}s Command,

NOTTINGHAM.

To our Attorney or Solicitor
Generall.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. XLIX.

LETTERS from QUEEN ANNE to the PARLIAMENT of SCOTLAND, Answers of the Parliament, and Act appointing Commissioners.

EXCERPT from the Queen's Letter to the Parliament.

9th June, 1702.

The late king, our glorious brother, did, before his death, very earnestly recommend to his Parliament of England, the consideration of the Union of the two kingdoms of Scotland and England, which being so necessary for the security and happiness of both, we did, at our accession to the crown, again seriously recommend the same to them. And they having proceeded to impower us, by an Act of Parliament, to name Commissioners to treat of an Union, we doubt not but you will do what is necessary, on your part; and we shall contribute our utmost endeavours towards the accomplishment thereof, and shall esteem it our happiness, to establish the nations on so sure a foundation.

EXCERPT

11th June, 1702:

EXCERPT from the Queen's Letter to the
Parliament.

It is our firm purpose and resolution, to maintain the sovereignty and independancy of that our ancient kingdom, against all invasions or encroachments whatsoever; and we shall be ever equally tender of the rights, prerogatives, and liberties of the crown and kingdom of Scotland, as of these of the crown and kingdom of England; and we shall make it the chief designe of our reign, to govern both, according to their respective laws and liberties, and to avoid all occasions of misunderstanding or differences betwixt them. And for this end, we shall think it our happiness, to establish an intire union, betwixt the two kingdoms, upon an equal and just foundation: And, the Parliament of our kingdom of England having shown so good inclinations towards this Union, we expect that you will do nothing, on your part, that can obstruct a designe so useful, for the security and happiness of both.

18 June, 1702.

EXCERPT from the Parliament's Letter to
the Queen.

The Union of the two kingdoms of Scotland and England hath been long desired by all good men; and the late King, at his first accession to the government, and we, when convened, as a meeting of the Estates of the kingdom, did judge it one of the best means, for procuring the happiness, and settling the peace of these nations; and, therefore, we are resolved to prosecute your Majesties recommendation, and the advancement already made by the Parliament of England, with such a suitable return, as may best contribute to accomplish this great design, to your Majesties satisfaction and glory.

25th June, 1702.

Draught of an act, concerning the Union betwixt the two kingdoms of Scotland and England, as also the draught of a letter from the Parliament to her Majestie, expressing their confidence, that, in the treaty of the said Union, her Majestie will have a gracious regard to the maintaining of the presbyterian government in this church,

church, were both read; and the question being put, approve the act and letter foresaid or not, carried in the affirmative.

Before calling of the rolls upon the said vote, Walter Stewart, Commissioner for the Burgh of Linlithgow, declared, that he did dissent from the said vote, in respect, that by no clause in the draught of this act, the Commissioners to be named, were limited or hindred, from treating about the reintroduction of prelacie, albeit the same be abolished by the claim of right; and craved the same might be recorded, and thereupon took instruments. And George Moncrief of Reedy, one of the Commissioners for the shire of Fyfe, adhered to the dissent.

Act appointing Commissioners.

The Estates of Parliament, considering that an Union of the two kingdoms of Scotland and England hath, of a long time, and often been desired, for the mutual good, and greater happiness of both nations; and that the late King William, of blessed memory, did, some years ago, propose it to the Estates of this kingdom, and of late recommended it to the Parliament of England; like as her Majestie, who now reigns, hath, out of her royal care and zeal for the welfare of her subjects, renewed the same desire to the Parliaments of both kingdoms; and that, in compliance with this

her royal purpose, the Parliament of England hath
past an act, for enabling her Majesty to appoint
Commissioners to treat for an Union, between the
said kingdoms; and the Estates of Parliament be-
ing fully satisfied, that the said Union is needful,
and would be very advantageous, for the defence
of the true protestant religion, and for the better
preserving and establishing the peace, safety, and
happines of both kingdoms; therefore Her Ma-
jestie, with advice and consent of the said Estates
of Parliament, doth enact, statute, and ordain,
that such persons, and quorum thereof, as shall
be nominat and appointed by her Majestie, under
the great seal of this kingdom, shall have full
power and commission: like as her Majestie, with
advice and consent foresaid, doth hereby give and
grant, full power, commission, and authority, to
the said persons, and their quorum, to convene
and meet, at such time and times, and in such
place and places, as her Majestie shall please to
appoint, to treat and consult with such Commis-
sioners, as shall be nominat and authorised by her
Majestie, in manner foresaid, in behalf of the
Parliament and kingdom of England, of and con-
cerning such an Union of the said kingdoms of
Scotland and England, and of and concerning
such other matters, causes, and things, whatso-
ever, as the said Commissioners, or quorum there-
of, assembled as aforesaid, and the said Commis-
sioners to be nominate by her Majestie, for the
Parliament and kingdom of England, in manner
above mentioned, shall, according to the tenor of
their respective Commissions, think necessary or
convenient, for the honour of her Majestie, and
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the Union, common good, and welfare, of both the said realms, for ever: and the said Commissioners, for both the said kingdoms, shall, according to the tenor of their respective commissions, set down and reduce their proceedings, in the said matter, into four several writings, or instruments, each of them to be subscribed and sealed by the said Commissioners and their quorum, to the end that one of these writings or instruments may, in all humility, be presented to the Queens Majestie, and another of the said writings or instruments to be offered to the Parliament of Scotland, and the other two of the said writings or instruments to be offered to the Parliament of England, at their next sessions, to be held in each kingdom respective, after such writings or instruments shall be subscribed and sealed by the said Commissioners, that thereupon such farder proceedings may be had, as by her Majestie, and both the said Parliaments, shall be thought fit and necessary, for the well and common good of both the said kingdoms; to which Parliaments, the intire consideration of the whole, and the allowing or disallowing of the same, or any part thereof, as they shall think fitt, is wholly reserved.

And it is farder provided, that no matter or thing, to be treated of, proposed, or agreed by the said Commissioners, by virtue of this act, shall be of any strength or effect, whatsoever, untill it be first confirmed and established by the authority and an act of the Parliament of Scotland.

LETTER

LETTER from the Parliament to the
Queen.

May it please your Majestie,

The Estates of Parliament, in the due and cheerful prosecution of what your Majestie, so graciously, recommended, as to the Union of both kingdoms, have past an act, enabling your Majestie to appoint Commissioners, for treating thereof, in the same extent, and almost in the same terms, with that past in the Parliament of England.

It fell under our consideration, that when the meeting of Estates did, at the late King's accession to the throne, nominat Commissioners for the like treaty, they expressly reserved our church government, as it should be established, at the time of the Union.

But the presbyterian government being founded in the claim of right, with our intire confidence in the full assurance your Majestie has been pleased to give us, That you are firmly resolved to protect and maintain us, in the full possession of the presbyterian government of the church, as at present established, are our satisfying security.

And, therefore, hoping that your Majesty, both in the nameing of the Commissioners, and
in

in the whole procedure of the treaty, will have a gracious and careful regard to the maintaining of the presbyterian government of the church, as now established by act of Parliament, and ratified by your Majesty in this session of Parliament, and which, in the experience of all, is found to be the true interest, and solid foundation, of the peace and quiet of this kingdom, we heartily wish for such an accomplishment of this great work, as may be to your Majesty's perpetual honour, and the lasting welfare and happiness of both kingdoms.

Signed, in presence, by warrand ; and in the name of the estates of Parliament, by,

May it please your Majesty,

Your Ma'ties most humble, most obedient,
and most faithful subject and servant,

Sic subscribitur,

MARCHMONT, Cancellor.

J. P. D. Par.

Records of the Part of Scotland,

Book 35.

W. Robertson.

Jan. 10th, 1799.

Exd J. Bruce.

APPENDIX, No. L.

EXTRACTS from the MINUTES of the CON-
FERENCES, relative to the TREATY of
UNION, in the Years 1702 and 1702-3.

I.

Lord Keeper's Speech to the Scotch Com-
missioners, & Duke of Queensberry's Reply.

10 Nov. 1702.

My Lords,

Wee, the Commissioners for England, doe,
with great satisfaction, meet your Lordships upon
this occasion, hoping, that by this congress, the
great business, for which her Majesty has been
pleased to grant these com'issions, may be happily
effected.

That England and Scotland, already united
in alledgeance under one head, the Queen, may
for ever, hereafter, become one people, one in
heart and mutual affections, one in interest, one in
name, one in deed; a work which, if it can be
brought

brought to pass, promiseth a lasting happiness to us all.

With great sincerity, wee desire this union; and wee meet your Lordships, with hearts fully determined to enter upon such considerations, and into such measures with your Lordships, as are proper, for bringing the same to the desired conclusion.

On our parts, nothing shall be wanting, that may conduce to a happy period of this great work.

To wch^r my Lord Duke of Queensberry, on the part of the Lord Com[']issioners for Scotland, replied, in hæc verba;

My Lords,

The Union of the two kingdoms has been much desired, both before and since their being under one sovereign, and I hope it is reserved to her Majesty, for the glory of her reign, to finish the design, which hath been often attempted by her Royal Predecessors.

My Lords,

I do consider this Union to be highly advantageous, for the peace and wealth of both kingdoms, and a great security for the protestant religion, every where; and I can assure your Lordships, both for myself and the other Lords Com[']issioners for Scotland, that wee meet your Lord-

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ships

ships with great regard and honour to your persons, and with sincere intentions to advance this great design, and to accommodate any difficulties that may arise in the treaty, upon fair and reasonable terms.

2.

Message from Queen Anne to the Commissioners on the Union.

18th Nov. 1702.

ANNE R.

Her Majesty having, in prosecution of the several attempts made by her Royal predecessors, moved both her Parliaments, to consider of the most effectual method, for establishing an Union, between the two kingdoms; and her M^aty being authorized by both Parliam^{ts}, to appoint Commissioners, to treat of the terms of this Union, which she hath done accordingly, her M^aty hopeth, that the Com^{rs}missioners, now happily met for this purpose, will agree upon such measures, as will be acceptable to both Parliaments, and may perfect an indissoluble Union, between the two nations; which her M^aty thinks the most likely means, under Heaven, to establish the monarchy, secure the peace, and encrease the trade, wealth, and happiness of both nations.

The heads of this treaty are so obvious, that
her

her Majesty does not think it necessary to mention them; but her M^aty reco^mends it to the Com^{is}sioners, to make such proposals, mutually, on this subject, as shall occur to them, and may be most likely to bring this treaty to an happy and speedy conclusion.

And her M^aty earnestly wishes, for her own honour, and the welfare of her subjects, that this Union may be established on such solid foundations, as, that the breach of it may be as impossible, as human counsells can make it. Given at the Court at St. James's, the 16 day of November, 1702.

3.

Preliminary Articles, offered by the Commissioners for England.

18th Nov. 1702.

1. That all proposals, mutually to be made, shall be offered in writing.

2. That no proposal to be made, shall be debated the same day.

3. That all debates shall be, by word of mouth, and not in writing.

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4. That

4. That every point that shall be agreed on, shall be reduced into writing.

5. That no point, tho' agreed on, and reduced into writing, shall be obligatory, on either side, till all matters be adjusted, in such manner, as will be proper to be laid before the Queen and the two Parliaments.

Those preliminaries were agreed upon.

4.

Preliminary Articles, offered by the Commissioners for Scotland.

20 Nov. 1702.

6. That these matters, tho' so adjusted, as may be proper to be laid before the Queen and the two Parliaments, shall not be binding, till approved and ratified in the said Parliaments.

7. That there be a Committee appointed, consisting of a certain number of each side, to revise the minutes of what passes, which are not to be inserted by the Secretaries, in the respective books, but by order of the said Committee.

Which preliminaries were agreed to.

Additional

5.

Additional Articles, offered by the Commissioners of both Kingdoms ; Committee appointed.

20 & 25 Nov. 1702.

The Lord Keeper, for the Lords Commissioners for England made the following proposals, which were read :

That the two kingdoms be united into one, by the name of the kingdom of Great Britain, and that the succession to the monarchy of this kingdom of Great Britain, shall be, according to the limitations mentioned in the act of Parliament, made in England, in the 12th & 13th years of the reign of the late King William, entitled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the subjects.

Then my Lord Duke of Queensberry offered articles, on the part of the Lords Commissioners for Scotland, which were read, as follows :

1. The uniting the two kingdoms into one monarchy.

2. The representing both kingdoms in one Parliament.

3. The

3. The mutual communication of trade, and other priviledges and advantages.

A com'ittee was appointed, for revising the minutes; the Lords Comrs^r for Scotland nominating, on their part, the Viscount of Stair, my Lord President of the Session, & my Lord Treasurer Deput, or any two of them; and the Lords Comrs^r for England, nominating, on their part, S^r John Cook, M^r. Godolphin, and M^r. Clark, or any two of them.

6.

Explanations of the Preliminary Articles,
by the Commissioners of England.

30 Nov. 1702.

The Lords Commissioners of England agree, that a mutual communication of trade, and other priviledges and advantages, is proper and reasonable, in a compleat union of the two kingdoms.

Their Lop^s propose, that your Lop^s answer to the proposal from the Comrs^r for England, which relates to the uniting the two kingdoms into one, and settling the succeffion, may, together with this their present answer to the 3d article, be entred in the respective books and journals.

7. Expla-

7.

Explanation by the Lords Commissioners
of Scotland.

5 Dec. 1702.

That they conceive, the uniting the two kingdoms into one monarchy, and under the same line of succession, and the representing the two kingdoms in one Parliament, is such an union, as entitles the subjects of both kingdoms, to a mutual communication of trade, priviledges, and advantages : and if yor^e Lop^s do acquiesce, and assent to the communication of trade, in these terms, the Lords Comrs^r for Scotland do consent, that their answer, with your Lop^s answer, and this addition, be entered in the respective books and journals.

8.

Additional Explanation of the Lords Commissioners for England.

That they conceive, the Union cannot be compleat, till all the terms are adjusted, upon which it is constituted ; and therefore, tho' they allow the communication of trade, and other priviledges, to be the necessary result of a compleat Union,

Union, yet, in the method of proceeding, they must first settle with your Lop^s, the termes and conditions of this communication of trade, and other priviledges; and they are ready to enter upon the consideration of them, in such method as shall be agreed on, as most likely to bring this particular matter to a speedy determination; and they move, that your Lop^s answer to the proposition from the Com^rs for England, which relates to the uniting the two kingdoms into one, and settling the succession, may be entered.

9.

Proposals by the Lords Commissioners for
England.

That the kingdoms be united into one, by the name of the Kingdom of Great Britain; and

That the succession to the monarchy of this united kingdom of Great Britain, shall be according to the limitations, mentioned in the act of Parliament, made in England, in the 12th and 13th years of the reign of the late King William, entituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects.

10.

Proposals by the Lords Com'rs for
Scotland.

The Com'rs for the kingdom of Scotland do agree, that the kingdoms be united into one, by the name of the Kingdom of Great Britain;

That the succession to the monarchy of this united kingdome of Great Britain, in default of the issue of the body of her Majestie, Queen Anne (which God forbid) shall descend on the Princess Sophia, Electores and Duchefs Dowager of Hannover, and remain to her, and the heirs of her body, being protestants, excluding all papists for ever, conform to the act of Parliament, made in England, in the 12th & 13th years of the reign of the late King William, intituled, An Act for the further Limitation of the Crown, and the better securing the Rights and Priviledges of the Subjects; and they reserve the other conditions and provisions, contained in the above mentioned Act, to be likewise considered, in the further progress of the treaty, in order to be adapted to the constitutions and laws of both kingdoms.

That there be a mutual communication of trade, and all other priviledges and advantages.

11.

Answer by the Lords Commissioners for
England.

Their Lop^s agree, that a mutual communication of trade, and other priviledges and advantages, is proper and reasonable, in a compleat union of the two kingdoms.

12.

Answer by the Scotch Commissioners.

9 Dec. 1702.

1. That there be a free trade between the two kingdoms, without any imposition or distinction.

2. That both kingdoms be under the same regulations, and liable to equal impositions, for exportation and importation, and that a book of rates be adjusted for both.

3. That the subjects of both kingdoms, and their seamen and shipping, have equal freedom of trade and commerce, to and from the plantations, and be under the same regulation.

4. That the Acts of Navigation, and all other laws, in either kingdom, in so far as contrary to, or inconsistent with, any of the above mentioned proposals, be rescinded.

5. That neither kingdom be burdened with debts, contracted, or to be contracted by the other, before the Union; and that the equality of impositions, in the second proposal, be understood with an exception of impositions, laid on, or appropriated by the Parliament of England, for payment of their debts; or if an equality of impositions on trade be thought necessary, that there be allowed to Scotland an equivalent.

6. That the former proposals are made without prejudice to the companies or manufacturers of either kingdom, which are reserved to further consideration, in the progress of this treaty.

13.

Queen's Speech to the Commissioners.

14 Dec. 1702.

My Lords,

I am so fully persuaded, that the union of my two kingdoms will prove the happiness of both, and render the island more formidable than it has been in ages past, that I wish this treaty may be

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brought

brought to a good and speedy conclusion. I am come to know what progress you have made in it; and I do assure you, nothing shall be wanting on my part, to bring it to perfection.

14.

Considerations of the Lords Commissioners for England, upon the Proposals delivered by the Lords Commissioners for Scotland.

16 Dec. 1702.

As to the first article, their Lops^{ts} are of opinion, that there be a free trade, between the two kingdoms, for the native commodities of the growth, product, or manufactures of the respective countries, with an exception to wool, sheep, and sheep fells, and without any distinction or imposition, other than equal duties upon the home consumption, respectively; their Lops^{ts} being of opinion, that the trade, between the two kingdoms, cannot be upon an equal foot, unless the said duties and impositions, be the same in Scotland, as in England.

And this article, respecting a coast trade, it seems reasonable for their Lordships to insist, that the masters, mariners, and goods, should be under
the

the same securities, penalties, and regulations, as are, in that case, provided by the laws of England.

As to the 2d article, it seems reasonable. But their Lordships offer, that it will be necessary therein to add a provision, that not only the imposition on trade, but the prohibitions, be the same on both sides, in respect as well of importations as exportations.

As to the 3d article, their Lops^s say, that the plantations are the property of Englishmen, and that this trade is of so great a consequence, and so beneficial, as not to be communicated, as is proposed; till all other particulars, which shall be thought necessary to this Union, be adjusted. That as the case now stands, by law, no European goods can be carried to the English plantations, but what have been first landed in England (except salt fish, and Scottish provisions, servants, and horses, Madera wine, and wine of the Azores), nor can the product of the plantations be carried to other parts of Europe, till it has been first landed in England.

Their Lops^s further offer, that in this article it will be necessary to make provision, that the subjects of Scotland shall be liable to be prest for the sea, in the same manner as the English subjects are, in time of war, for her Ma's service.

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As to the 4th article, their Lops^r agree, that an Act of Navigation must be framed, in both kingdoms, adapted to the terms of the Union.

As to the 5th article, their Lordships say, that the proposal therein contained, seems to contradict what is granted in the second article, in as much as there is no duty subsisting on trade (except only on some of the funds for the civil government) but what is appropriated to the payment of the debts of the nation.

That tho' the said debts have been contracted by a long war, entered into more particularly, for the preservation of England, and the dominions thereunto belonging, yet that Scotland has tasted of the benefits, which have accrued to Great Britain in general, from the opposition that has been made to the growth and power of France. That such burdens will be abundantly recompensed to Scotland, by a compleat Union: to which compleat Union, as a free communication of trade is essential, so such a free communication of trade cannot be established, with equality, unless the same duties, both upon foreign trade and home consumption, be levied in both kingdoms. But how the sums of money, thereby arising, within the said realm, shall be applied, or what equivalent is to be allowed, in the room thereof, may be settled, when your Lops^r are ready to offer, what proportion of the public burthens Scotland proposes to bear, towards the future support of the government, both in times of peace and war.

As

As to the 6th article, their Lops^s say, that it requires to be further explained, before they can be ready to give an answer to it.

15.

Articles agreed on by the Lords Com^rs for both Kingdoms, in the Terms of the Preliminaries, and to take place, when the Union shall be compleated.

2d Jan. 1702-3.

1. That there be a free trade, between all the subjects of the island of Great Britain, without any distinction, in the same manner, as is now practised, from one port of England to another; and the masters, mariners, and goods, be under the same securities and penalties in the coasting trade.

2. That both kingdoms be under the same regulations and prohibitions, and liable to equal impositions, for exportation and importation; and that a book of rates be adjusted for both.

3. That the subjects of both kingdoms, and their seamen and shipping, have equal freedom of trade and commerce, to and from the plantations, under such, and the same regulations and restrictions, as are and will be necessary, for preserving the said trade to great Britain; and that the seamen

men of Scotland be equally liable to the public service, as the seamen of England now are.

4. That such lawes, part or parts of the Act of Navigation, or of any other law, now in force, in either kingdom, as shall be contrary to, or inconsistent with the terms of the Union, shall be, on both sides, repealed; and that an Act of Navigation be framed and adopted to the terms of the Union.

The Lord President of the Session moved, on the part the Lords Commrs for Scotland, that such other propositions might afterwards be offered, as their Lop's should think necessary, for further clearing the freedom of trade, shipping, and navigation; to which the Lords Comrs for England agreed.

The Lord President of the Council, on the part of the Lords Commissioners for England, moved, that the matter of duties on the home consumption, should be the subject matter of conference and debate, at the next meeting; to which the Lords Comrs for Scotland agreed.

16.

Articles drawn up by the D. of Queensberry, as the Result of the last Conference.

18th Jan. 1702-3.

1. That neither kingdom be burthened with debts, contracted, or to be contracted by the other, before the Union; and that no other, or greater excise, or other duties on home consumpt, or inland taxes, be raised or imposed, within that part of the united kingdom, now called Scotland, than these now on foot there, till the debts of England, contracted, or to be contracted, before the Union, be fully satisfied and paid.

2. That after payment of the English debts, as aforesaid, that part of Britain, now called Scotland, shall be subject to the survey of the Parliament of Great Britain, and be liable to such excises, and other home duties, as shall, by the said Parliament, be thought just and futeable to the circumstances of that part of the united kingdom, for the time; provided, that the proportion of inland duties and impositions of that part of the united kingdom, shall not then, or ever after, be more than that of the other neighbouring counties, of the now kingdom of England.

3. If any goods or merchandice, of the
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native product of Scotland, not liable to any excise or imposition there, shall be transported from Scotland to England, by sea or land, the said goods or merchandice, when brought into England, shall be liable to the same duties, and no other, which might have been raised or exacted, if they had been of the native product of England.

4. As an equivalent to Scotland, for becoming subject to the same regulations with England, in export and import, and for the encouragement of fishing and trade, and manufacture in Scotland ;—

That out of some effectual branch of the revenue, arising from that part of Great Britain, now called Scotland, there be 10,000^{lb} yearly, after compleating the union, appropriated, towards carrying on the fishery, and improveing the manufactures, and native product there, as shall be directed and ordered by Commissioners and Trustees, to be named for that purpose.

5th. That 48000^{lb} shall be reckoned, as the just proportion of Scotland, in the 4s pound rate of land tax, and so proportionally, in all land taxes, in time coming.

17.

Considerations offered by the Lords Commissioners for England.

23d Jan. 1702-3.

1. As to the former part of the first article, viz. that neither kingdom be burthened with the debts contracted, or to be contracted, by the other, before the Union, it being the same, in terminis, with the 5th proposition, delivered by their Lordships on the 9th of Decem^r, the observation made then may suffice for a reply to it now, viz; that tho' the debts of England have been contracted by a long war, entered into more particularly, for the preservation of England, and the dominions there unto belonging, yet Scotland has had its share in the benefits which have accrued to Great Britain, in general, from the opposition that has been made to the growth and power of France, and have encreased the number of their seamen considerably, by the employment they had, in the coast trade of England, during the war. But as it is necessary they should be under equal impositions, with regard to the balance of trade and manufactures, when the kingdoms shall be united, and a free communication of native product settled, so it may be reasonable, that the mony so raised, upon that part which is now Scotland, should be applied to the security and protection of Scotland, and the trade thereof; nor does it

follow, that because the duties now raised on particular fonds in England, are appropriated for the payment of debts, that, therefore, when the like duties are laid in Scotland, they must be applied in the same manner; but for their Lordships to propose, that there be no other duty, or greater excise on home consumption, or inland taxes, raised or imposed in Scotland, than these now on foot there, till the debts in England contracted, or to be contracted, before the Union, be fully satisfied and paid, sets the putting trade upon an equal foot, which is intended, by an equality of impositions, at such a distance, as gives little hopes of any now alive of coming at it. For one of the nine pences on beer and ale, being the fond of the first million act, anno 4^{to}. & 5^{to}. of the late King and Queen, was granted for 99 years, one nine pence more (which was the fond of the lottery,) for about eight years yet to come, one nine pence more (which is the bank fond) inheritance to the Crown, as are also the several duties upon salt, and half that upon stamp'd paper, tho', in these latter duties, there are clauses of provision for redemption. But whilst it is insisted, that there shall be no other or greater in Scotland, than are already paid there, it may be presumed, that those already mentioned are enow, to prevent the necessity of enquiring, into the number or proportion of what they have in Scotland, where, if by exemption from such duties, a clothier can subsist himself and family, for four pence per diem, each head, as well as in England for eight pence, all such manufacturers, who shall goe thither, will be able to undersell, and consequently out trade, those that stay in England,
halfe,

halfe in halfe, in what relates to their labor, by subsisting so much cheaper ; but the workmanship of every pound of wool, made into cloth, advances the value of it, near nine parts in ten, from its first cost.

2. As to the 2d article, their Lop's say, that duties upon the home consumption, require to be equally laid on all the parts of the united kingdoms ; nor do the northern counties of England pay less duties of excise (as seems here suggested) than the midland, but rather more ; in proportion to the value, in their counties, of the commodities excised,

3. As to the 3d article, it is needless to debate upon it, till the first be settled, these two depending one upon the other. If, indeed, the Lords Com'rs for England should think it expedient to exempt the home consumption of Scotland, from any new duties, for some reasonable period of time, till that kingdom begins to reap the benefits of the free communication of trade, intended by this union, then their Lop's will iustify, that such com'odities, as pay duties in England, may be charged with the same duties, when they are exported, or brought out of Scotland, into England, and upon some other provisions, which will be requisite to prevent frauds in her Majesty's revenues.

4. As to the fourth article, the Lords Com'rs for England say, that the free communication, especially of the foreign trade, to which, in the terms of the preliminaries, their Lop's have
assented,

assented, is so great a benefite to Scotland, that they did not expect an equivalent should be mentioned, for the equality of impositions, upon exportation and importations; besides their Lops say, your Lops have already agreed, upon an equality of impositions, as to foreign trade, both as to exportation and importation.

5. As to the 5th article, 'twill be impossible to determine this point, till their Lops shall be informed of the value of the lands in Scotland; and this may be further debated, when their members, in the Parliament of Great Britain, shall come to be settled.

18.

Answers, to these Considerations, by the Commissioners for Scotland.

25th Jan. 1702-3.

1. As to the first, the Lords Com'rs for Scotland do still insist, that, neither kingdoms be burdened with debts, contracted, or to be contracted by the other, before the Union, in manner mentioned, in their former proposition, of the 9th December last; because your Lops have not offered yet any answer to that proposition, to be entered in the books.

2. Scot-

2. Scotland ought not to be burthened with any debts, contracted during the late war ; because they have already been subject to such burthens and taxes, as were futeable to the exigencies of the government and their circumstances, during the war, and since ; and their land and seamen have been of very great use to England, and the confederats, during the present and former war.

3. Whereas your Lordship's consideration imports, that equality of trade requires equality of impositions, but, that the duties arising in Scotland, from the like fonds as are imposed in England, may be applied for other uses than the payment of English debts, their Lops[~] say, that the distance of Scotland from the seat of the sovereign, and the great judicatures, and the city of London, the great consumption of Britain, and other circumstances, in relation to trade, do put that nation under such disadvantages, that they ought not to undergoe equal burdens, at least, for a long period of time, that trade may be encouraged there, which will prove the advantage and benefite of the whole island ; and no period can be more just and reasonable, than the payment of English debts, in which Scotland is not concerned, and consequently their burthens ought not to be encreased, upon the account of these debts.

4. If the burthens of Scotland were encreased, on the same foot as in England, that nation could not be relieved, by applying these burthens to other uses than English debts, because the burthens they now bear, were sufficient to defray the
expence

expence of the government, before the Union; and consequently much more, than will destroy the additional charge after the union; whereby there will be a considerable balance, arising to the treasury of Great Britain, more than will serve all the peculiar uses and exigencies of that part of the united kingdom, and much more, when the trade and consumption shall increase: so there is no occasion for applying such additional burthens in Scotland; and whatever comes of the revenue, from thence, to the treasury of Great Britain, must be applied directly, to the payment of English debts, or to other exigencies of the government, which leave so much more of the taxes of England free, to be applied for payment of English debts.

5. As to that part of the said first consideration, bearing, that if the equality of taxes be put off, till all the English debt be paid, there would remain no hope, that any, now alive, shall see trade upon an equal foot, over the whole united kingdom; because some duties are given for 99 years, others in perpetuity to the Crown.

Their Lops say, that there is no duty appropriated to the payment of any debts, but with a provision of a redemption, within the space of a few years; except the first nine pence, on ale and beer, which continues for 99 years, and their Lops do agree, that the said imposition be expected, and that all the other English debts being paid, Scotland shall become subject to the survey of the Parliament of Great Britain, as is expressed
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in the former proposition; but then there will still be an allowance due to Scotland for that debt.

6. As to the other burthens, appropriated to debts, there being a provision for redemption, their Lop^s do insist, that the said debts may be redeemed, according to the proviso, before they be liable to the like duties, appropriated to these debts, or others, then they now pay.

7. As to inconveniencies proposed by the inequality of taxes and inland burthens, their Lop^s say, that the inequality proposed is but temporary, till both kingdoms be upon the same foot, as to their debts, which its hoped may be accomplished, in a few years; and a temporary encouragement, for raising of trade in Scotland, is necessary and profitable to the whole island.

As to the 2^d consideration, their Lop^s do not suppose, that the northern counties in England have an ease of excises upon home duties, but do only mention the nearest counties, as best known to Scotland, that they may not, at any time, be overcharged.

As to the 3^d article, bearing, that if yo^r Lop^s should think expedient to exeem the home consumption of Scotland, from any new duties, for some period of time, till that kingdom begin to reap the benefite of a free trade, then your Lop^s would insist, that such commodities, as pay duties in England, may be charged with the same, when transported out of Scotland into England, and

upon some other provisions, to prevent fraud in her Majesty's revenues.

Their Lop^s say, first, that imunities from further duties, for a reasonable period of time, is absolutely necessary for Scotland, and there can be no period, so just and so equal, as the payment of English debts (excepting as above). 2^d When their Lop^s shall be pleased to condescend, what further provisions will be requisite, to prevent frauds in her Ma^{ty}s revenues, the Lords Com^{rs} for Scotland will be ready to give your Lop^s just satisfaction therein.

As to the fourth, their Lop^s say, they did formerly agree to an equality of impositions, on export and import, by the 2^d of the articles offered, the 5th of Decem^r last; but they explained the same by the 5th article, then offered in such manner, as that Scotland should either be freed from impositions appropriated for debts, or that an equivalent should be allowed; and your Lop^s answer to that 5th article, did reserve the consideration of that equivalent, till the Lords Com^{rs} for Scotland should offer, what proportion of burthens they would bear. But the Lords Com^{rs} for Scotland do chiefly insist, for the improvement of fishing on the coast of Scotland, which is one of the principal benefits that will arise to Great Britain from the intended Union, and will principally tend to enrich the English nation, who have great stocks of money to carry on the same.

The great losses also, at Darien, will, for a
long

long time, discourage private persons in Scotland, from raising amongst themselves, such sums as will be necessary for advancing so good a work, and that therefore a sum should be appropriated for encouraging fishing and linnen, and other manufacture, in Scotland.

As to the 5th, their Lop^s say, first, that this point is altogether distinct, from that of uniting the two Parliaments, which will fall under a seperate consideration and debate. 2^{dly} The land tax in Scotland ought not to be higher than formerly, for the reasons above assigned. And further, it is reasonable and necessary, that there be a continued fixed rule, which is very fairly proposed, as high as ever Scotland has been accustomed to, because a new survey, for stating of a land tax, will be grievous and burdensome to the whole Landlords in Scotland, in regard that there may be inequality in the valuation there, and any advantage that could arise, will never answer the trouble and inconveniency both to Scotland and England. 3^{dly} What ever hath been offered, for equality of excises, which may have some influence on trade, yet inequality in land taxes, supposing there were any, is of no consequence at all, in the matter of trade; and the general dissatisfaction and discouragement that would be given, both in Scotland and England, by such an enquiry, would far over ballance any advantage that can be proposed by the survey.

Answer

19.

Answer of the Lords Commissioners for
England; and Explanations by those of
Scotland.

27 Jan. 1702-3.

The Lords Comrs for England insist upon equality in the payment of duties, upon the home consumption, but when this payment shall comẽce, is to be left to the respective Parliaments of both kingdoms; and they agree, that whatsoever is raised, shall not go to the payment of the debts of England.

And what uses those taxes to be laid on, in Scotland, are to be applied to, shall be the subject of a further consideration.

The Lords Comrs for Scotland said, That neither kingdom shall be burdened with the debts of the other, contracted before the Union; and that no duties on home consumption, or taxes to be levied from Scotland, shall be applied to the payment of English debts; and that a period of time be allowed to Scotland, to reap the benefite of the free communication of trade, before that kingdom be liable to other, or greater duties, on home consumption, or inland taxes, than these now on foot; and that the determinng the said
period

period be referred to the respective Parliaments of both kingdoms.

20.

Proposal of the Scotch Commissioners, on the Subject of the African Company.

That the privileges, in favour of the Company of Scotland, trading to Affrica and the Indies, by the 8 Act Parlia^t, 1695, and 13th Act Parlia^t, 1701, doe continue, and stand in full force and vigour, in favors of the proprietors of the said Company, after the union of the two kingdoms.

21.

Answer of the Lords Commissioners for England, and Explanation by those of Scotland.

28 Jan. 1702-3.

The Lords Com^{rs} for England agree, that neither kingdom shall be burdened with the debts of

of the other, contracted before the Union; and that no duties on home consumption, or taxes, to be levied from Scotland, shall be applied to the payment of English debts, and whatever time may be fit to be allowed to Scotland, to reap the benefit of the communication of trade, and enable them the better to pay duties on home consumption, equal to England, is most proper to be determined, in the respective parliaments of both kingdoms. Then the Lords Com^{rs} for England, answered to the proposition, made at the last meeting, by their Lordships of Scotland, as follows;

As to the last proposition, delivered the 27th instant,

Their Lordships say, it has been found by experience, that two companies, existing together in the same kingdom, and carrying on the same traffick, are destructive of trade, and are therefore of opinion; that to agree to this proposition, will be inconsistent with the interest of Great Britain.

The Lords Com^{rs} for Scotland withdrew, to consider, and returning to the Council Chamber, my Lord Duke of Queensberry acquainted their Lordships of England, that the Lords Com^{rs} for Scotland had not yet considered their Lops^{ans} answer to their proposition about the company, but that they had now prepared for their Lordships, what they took to be their sense of the

the paper, they had received from their Lordships, which was read, as follows :

The Lords Com^{rs} for Scotland understand the paper given in by your Lordships, in this sense ; that neither kingdom shall be burthened with the debts of the other, contracted before the Union ; and that no duties on home consumption, or taxes, to be levied, from Scotland, shall be applied to the payment of English debts ; and that a time be allowed to Scotland to reap the benefite of the communication of trade, before that kingdom become lyable to pay other, or greater duties, on home consumpt, or inland taxes, than those now on foot ; and that it is most proper to be determined by the respective Parliaments of both kingdoms, how long that time of exemption shall subsist.

22.

Article regarding the Debts of England, agreed on by the Commissioners for both Kingdoms.

30th Jan. 1702-3.

Agreed by the Lords Com^{rs} for both kingdoms, that neither kingdom shall be burthened with the debts of the other, contracted before the Union ; and that no duty on home consumption,
or

or taxes to be levied from Scotland, shall be applied to the payment of the English debts; and that sometime is to be allowed to Scotland, to reap the benefite of the communication of trade, and enable them the better to pay duties on home consumption, equal to England; but that it is most proper to be determined in the respective Parliaments of both kingdoms.

23.

Arguments offered by the Scottish Commissioners, in favour of the African Company.

1st Feb. 1702-3.

Their Lops do still insist, for preserving and securing the priviledges of the Scots Company, trading to Africa and the Indies, because the undertakers did, on the public faith of the kingdom, advance a stock of 200,000^{lb}, or thereby, and it is not unknown to your Lordships, what part the generality of the kingdom, and also the Parliament of Scotland, did take, in the discouragements and disappointments the said Company did receive, as is fully exprest, in the address^s of the Parliament, to the late King.

2. Their Lordships conceive, that the priviledges of the Scots Company may consist with the English East India Company, or any other English

lish Company, which are circumscribed to the present limits of England: And it is not proposed, that the priviledges of the Scots Company should be extended, beyond the bounds of Scotland, so the several Companys do not interfere.

3. If the existing of two Companys, for carrying on the same traffick, do appear to your Lop^s destructive of trade, it is not expected, that your Lordships will insist, that therefore the priviledges of the Scots Company should be abandoned, without offering, at the same time, to purchase their right, at the public expence.

24.

Letter from the Queen, adjourning the Meeting of the Commissioners.

23d Feb. 1702-3.

ANNE R.

Right, trusty, and right entirely beloved, Cousins and Counsellors, right trusty, and well beloved Counsellors, and trusty and well beloved, wee greet you well, &c. Wee are extremely pleased, with the accounts wee have received, from time to time, of your proceedings in the treaty of Union between our two kingdoms; and though there be some very important matters, still remaining to be adjusted (the consideration whereof may require more time than our other

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weighty

weighty affairs will now allow, yet the great progress you have already made, beyond what has been done in any former treaties, gives us good hopes, that at your next meeting, the whole will be brought, by your good endeavours, to an happy conclusion. To the end, therefore, that you may duly consider by yourselves, all such other things, as may be necessary to compleat the Union, and that you may attend upon our other affairs, in your respective stations, where our service requires you; wee have thought fit to adjourn, and accordingly do adjourn, your meeting, on this treaty, unto Monday the 4th of October next. Given at our Court at St. James's, the third day of February, 1720-3.

Register Office, Edinburgh,
W. Robertson.

Jan. 10th, 1799,
Exd J. Bruce.

APPENDIX, No. LI.

RESOLUTION of the PARLIAMENT of SCOTLAND, recalling the Powers of the Commissioners for the Union.

Sept. 9, 1703.

Moved, That the proceedings of the Commissioners, in the treaty for the Union with England, be laid before the Parliament; and thereupon it was ordered, that the progress and advancement, in the said treatie, be laid before the Parliament, next federunt; And declared, by a vote of Parliament, that the Commission of Parliament, granted for the said treatie, is terminat and extinct; and that there shall be no new commission, for treating of an Union, betwixt the kingdoms of Scotland and England, without consent of Parliament.

Register Office, Edinr.
W. Robertfon.

Jan. 10th, 1799,
Exd J. Bruce.

APPENDIX, No. LII.

QUEEN ANNE'S LETTER, of June 25, read
to the SCOTCH PARLIAMENT,

11 July, 1704.

ANNE R.

My Lords and Gentlemen,

Nothing has troubled us more, since our accession to the crowns of these realms, than the unsettled state of affairs, in this our ancient kingdom:

We hoped, that the foundations of the differences and animosities that, to our great regret, we discovered among you, did not lie so deep, but that, by the methods we have proceeded in, they might have been removed.

But, instead of success in our endeavours, the rent is become wide; nay, divisions have proceeded to such a height, as to prove matter of encouragement to our enemies, beyond sea, to employ

employ their emissaries among you, in order to debauch our good subjects from their allegiance, and to render this, our ancient kingdom, a scene of blood and disorder, meerly (as they speak) to make you serve for a diversion.

But we are willing to hope, that none of our subjects, but such as were obnoxious to the laws, for their crimes, or men of low and desperate fortunes, or that are otherwise inconsiderable, have given ear to such pernicious contrivances: and we have no reason to doubt of the assurances, given us by those, now entrusted with our authority, that they will use their utmost endeavors, to convince our people, of the advantages and necessity of the present measures; for we have always been inclined to believe, that the late mistake did not proceed from any want of duty and respect to us, but only from different opinions, as to measures of government.

This being the case, we are resolved, for the contentment and satisfaction of our people, to grant whatever can, in reason, be demanded, for rectifying of abuses, and quieting the minds of all our good subjects.

In order to this, we have named the Marquis of Tweedale our Commissioner, he being a person of whose capacity and probity, or qualifications & dispositions, to serve us and the country, neither we, nor you can have any doubt. And we have fully impowered him, to give you unquestionable

questionable proofs of our resolution, to maintain the government, both in church and state, as by law established, in that our kingdom; and to consent to such laws, as shall be found wanting, for the further security of both, and preventing all encroachments on the same, for the future.

Thus having done our part, we are persuaded, that you will not fail to do yours, but will lay hold on this opportunity, to shew to the world, the sincerity of the professions made to us; and that it was the true love of your country, and the sense of your duty to it, and therefore not the want of duty to us (for we shall always reckon these two inconsistent) that was at the bottom of the late misunderstandings.

The main thing that we recommend to you, and which we recommend to you with all the earnestness we are capable of, is, the settling the succession in the protestant line, as that which is absolutely necessary for your own peace and happiness, as well as our quiet and security, in all our dominions, and for the reputation of our affairs abroad, and consequently, for the strengthening the protestant interest every where.

This has been our fixed judgment and resolution, ever since we came to the crown; and though hitherto opportunities have not answered our intentions, matters are now come to that pass, by the undoubted evidence of the designs of our enemies, that a longer delay of settling the succession in the protestant line, may have very dangerous consequences,

quences, and a disappointment of it would, infallibly, make that our kingdom the seat of war, and expose it to devastation and ruin.

As to terms and conditions of government, with regard to the succession, we have empowered our Commissioner to give the royal assent, to whatever can, in reason, be demanded, and is in our power to grant, for securing the sovereignty and liberties of that our ancient kingdom.

We are now in a war, which makes it necessary to provide for the defence of the kingdom. The time of the funds, that were lately given for maintaining of the land forces, being expired, and the said funds exhausted, provision ought also to be made, for supplying the magazines with arms and ammunition, and repairing the forts and castles, and for the charge of the frigates, that prove so useful for guarding the coasts.

We earnestly recommend to you, whatever may contribute to the advancement of true piety, and the discouragement of vice and immorality; and we doubt not, but you will take care to encourage trade, and to improve the product and manufactories of the nation: in all which, and every thing else, that can be for the good and happiness of our people, you shall have our hearty and ready concurrence. We shall only add, that unanimity and moderation, in all your proceedings, will be of great use, for bringing to a happy issue, the important affairs that we have laid before you, and
will

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APPEN. No. LII.

will also be most acceptable to us. So we bid you heartily farewell.

Given at our Court at Windsor Castle,
the 25th day of June, 1704, and of
our reign the third year.

By her Majesty's command,

Sic subscribitur, AL. WEDDERBURN.

Collection of the Parly Debates in
England.—Vol. iv. p. 415.

Jan. 10th, 1799,
Exd. J. Bruce.

(cccci)

APPENDIX, No. LIII.

RESOLUTIONS of the SCOTCH PARLIAMENT.

13th July, 1704.

Resolved,

That the Parliament will not proceed to a nomination of a successor, unless we have a previous treaty with England, for regulating our commerce, and other concerns with that nation.

And further, it is Resolved,

That this Parliament will proceed to make such limitations and conditons of government, for the ratification of our constitution, as may secure the religion, liberty, and independency of this nation, before they proceed to the said nomination.

Collection of the Parly Debates
in England, Vol. IV. Page 441.

Jan. 10th, 1799.
Ed J. Bruce.

APPENDIX, No. LIV.

ACT for the SECURITY of the KINGDOM
of SCOTLAND.

August 5th 1704.

Our Sovereign Lady, the Queen's Majesty, with advice and consent of the Estates of Parliament, doth hereby statute and ordain, that in the event of her Majesties death, or of the death of any of her Majesties heirs or successors, Kings or Queens of this realm, this present Parliament, or any other Parliament, that shall be then in being, shall not be dissolved by the said death, but shall, and is hereby required and ordained, if assembled to sit and act, in manner after-mentioned, notwithstanding of the said death. And if the said Parliament be under adjournment, the time of the said death, it shall, notwithstanding, meet precisely at *Edinburgh*, the twentieth day after the said death, excluding the day thereof, whether the day of the said adjournment be sooner or later. And it is further statute and ordained, that in case there shall be no Parliament in being, at the time of the death foresaid, then the Estates, or members of the last preceding Parliament, without regard to any Parliament that may be indicted, but never met nor constitute, shall meet at *Edinburgh*, on the twentieth day after the said death, the day thereof excluded. And further, providing that in all, or any of the said cases, if there shall happen

pen to be any vacancy of members, by reason of death or promotion, the barons or burgesſes concerned, ſhall have power to chooſe and ſupply the ſaid vacancy, in the accuſtomed manner; as likeways, in all, or any of the ſaid caſes, no perſon, who hath been, is, or ſhall be, then papift, and hath not purged himſelf of popery, by taking the *formula*, ſet down in the third act of the Parliament, one thouſand and ſeven hundred, before the ſaid death, ſhall be capable to be a member of, or to elect, or be elected, to the ſaid meeting of the Eſtates of Parliament. And ſicklike, that no *Engliſhman* or foreigner, having a *Scots* title, and not having an eſtate of twelve thouſand pounds, yearly rent, within this kingdom, ſhall in the event foreſaid, have place or vote, in the ſaid meeting of Eſtates. And the ſaid Eſtates of Parliament, appointed in caſe of the death foreſaid, to continue or meet, as above, are hereby authorized and impowered, to act and adminiſtrate the government, in manner after mentioned, that is, that upon the death of her Maſteſty, leaving heirs of her own body, or failing thereof, lawful ſucceſſors, deſigned or appointed by her Maſteſty and Eſtates of Parliament, or upon the death of any ſucceeding King or Queen, leaving lawful heirs and ſucceſſors, as ſaid is, the ſaid Eſtates of Parliament are authorized and impowered, after having read to the ſaid heir or ſucceſſor, *the claim of right*, and deſiring them to accept the government, in the terms thereof, to require of, and adminiſtrate to the ſaid heir, or lawful ſucceſſors, by themſelves, or ſuch as they ſhall commiſſion at the coronation oath, and that with all convenient ſpeed, not exceeding thirty
3 c 2 days

days after the meeting of the said Estates, if the said heir or successor be within the isle of *Britain*, or without the same, not exceeding three months, after the said meeting, in order to their exercising the regal power, conform to the declaration of the Estates, containing the *claim of right*. And also, in case of the said heir or successor, their being under age, which, as to the exercise of the government, is hereby declared to be, until their attaining to seventeen years compleat, to provide for, order and settle, within the space of sixty days, after the said meeting, a regency for the kingdom, until the said heir or successor take the coronation oath, and do actually enter to the exercise of the government: the Regent or Regents, to be so appointed, always having the *claim of right* read to him or them, as above, and he or they taking, at his or their entry, the coronation oath, and to continue for such space, as the said Estates shall appoint: after the entry of which heir or successor, to the exercise of government, in manner foresaid, or settling the regency in case of under-age, the said Estates of Parliament shall only continue to sit and act for the space of three months, unless they be sooner lawfully adjourned or dissolved, by the said heir or successor, being entered, or by the regent or regents, lawfully settled, as is said. And further, upon the said death of her Majesty, without heirs of her body, or a successor lawfully designed and appointed, as above, or in the case of any other King or Queen, thereafter succeeding, and deceasing, without lawful heir or successor, the foresaid Estates of Parliament, convened or meeting, are hereby authorized and empowered

powered, to nominat and declare the successor to the imperial crown of this realm, and to settle the succession thereof, upon the heirs of the said successor's body, the said successor, and the heirs of the successors body, being always of the *royal line of Scotland*, and of the true protestant religion. Providing always, that the same be not successor to the crown of *England*, unless that in this present session of Parliament, or any other session of this, or any other Parliament, during her Majesties reign, there be such conditions of government settled and enacted, as may secure the honour, soveraignty of this crown and kingdom, the freedom, frequency, and power of Parliaments, the religion, liberty, and trade of the nation, from English or any foreign influence, with power to the said meeting of Estates, to add such further conditions of Government, as they shall think necessary, the same being consistent with, and no ways derogatory from, those which shall be enacted in this, and any other session of Parliament, during her Majesties reign. And it is hereby declared, that the meeting of Estates shall not have power to nominate the said successor to the crown of this kingdom, in the event above expressed, during the first twenty days after their meeting; which twenty days being elapsed, they shall proceed to make the said nomination, with all convenient diligence. And it is hereby expressly provided and declared, That it shall be high treason, for any person or persons to administrate the coronation oath, or be witnesses to the administration thereof, but by the appointment of the Estates of Parliament, in manner above-mentioned,
or

or to owne or acknowledge any person, as King or Queen of this realm, in the event of her Majesties decease, leaving heirs of her own body, until they have sworn the coronation oath, and accepted the crown, in the terms of the *claim of right*; and in the event of her Majesties decease, without heir of her body, until they swear the coronation oath, and accept on the terms of the *claim of right*, and of such other conditions of government, as shall be settled in this, or any ensuing Parliament, or added in the said meeting of Estates, and be thereupon declared and admitted, as above; which crime shall be irremissible, without consent of Parliament. And because, in the aforesaid interval of twenty days betwixt the said death and meeting of the Estates of Parliament, in case there be no Parliament assembled for the time, it is necessary, that the administration of the government be provided for in that *interim*, therefore it is hereby declared, that in case of the death of her Majesty, or of any succeeding King or Queen of this realm, then, in all or either of the events above-mentioned; the foresaid administration shall be in the hands of such of the members of the Estates of Parliament, and such Members of the Privy Council, last in being, as shall be at *Edinburgh*, at the time of the said death, or shall come to *Edinburgh* before the said twentieth day, and shall meet in the Parliament-house there; which members of the Estates, and the said members of the said Privy Council, are hereby empowered to sit and act, in the said *interim*, for preserving the peace and quiet of the kingdom, allennarly, and till the said meeting, of the Estates, and no longer, Thirty of the said members of the said

said Estates, and members of the former Council, being a quorum, the plurality being always of the estates, who were not of the former Council. And it is hereby further statute, and ordained, that all commissions, granted to the officers of State, Lords of Thesaury and Exchequer, President of the Privy Council, and all other civil commissions, that are now granted, during pleasure, shall, by the decease of the King or Queen reigning, become null and void, excepting sheriffs, stewards, and justices of peace, in their respective bounds. And for a further security of the kingdom, her Majesty, with advice and consent foresaid, *statutes and enacts*, that the whole protestant heretors, and all the burghs, with the same, shall, forthwith, provide themselves with fire arms, for all the fencible men, who are protestants, within their respective bounds, and those of the bore proportioned to a bullet of fourteen drop weight running. And the said heretors and burghs, are hereby impowered and ordained, to discipline and exercise their said fencible men, once in the month at least, the said heretors always taking the oath of allegiance and assurance: as also such heretors or fencible men, who are suspect of popery, are hereby appointed, when required to take the *formula*, mentioned in the Act of Parliament, one thousand seven hundred, and that before the sheriff of the shire, or any other judge, within whose jurisdiction they reside. And it is hereby likewise *statute and ordained*, that upon the decease of her Majesty, or any of her Heirs or Successors, the commissions of all officers of the standing forces, above a captain, shall immediately become
void

void and null, and that the captains of the several troops and companies, and lieutenants of those who shall have belonged to the collonels, lieutenant-collonels, and majors, do continue to command their respective troops and companies, without extending their command any further, under the pain of treason, till further orders from the said Estates, or Committee, in the interval. And further, her Majesty, with advice and consent foresaid, requires and ordains all officers and soldiers, who shall happen to be on daily pay, at the time of the decease foresaid, to continue in, or immediately repair to, their respective garrisons and quarters, and not to remove from thence, but by order of the said Estates, or Committee above mentioned, upon pain of treason. And, lastly, her Majesty, with advise and consent foresaid, rescinds, casses, and annulls, the seventeenth act of the session of Parliament, one thousand six hundred and ninety six years, and all other laws and acts of Parliament, in so far as they are inconsistent with this Act.

Scotch Acts of Parliament,
Vol. III. page 649.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. LV.

RESOLUTIONS of the HOUSE of LORDS to pass certain Bills, prohibiting Connexions with SCOTLAND, till its Parliament appoint Commissioners for an Union, and agree to the Act of Succession.

11th December, 1704.

LORD'S JOURNALS, Vol. xvii, Page 596.

The House was put into a Committee, to consider of the state of the nation, in reference to Scotland, and of proper heads, for a bill or bills, pursuant to the agreement of the House, with the opinion of the Committee.

After debate, the House was resumed; and the *Earl of Sunderland* reported;—

1. That it is the opinion of this Committee, that one proper head for a bill or bills, to prevent the ill effects of the acts of Parliament, lately passed in *Scotland*, is to empower her Majesty to nominate and appoint Commissioners, on the part of *England*, to treat of a perfect and entire Union with *Scotland*, with such Commissioners, as shall be appointed on the part of *Scotland*, so as such

3 f

power

power be not executed, till an act of Parliament, for that purpose, be first passed in Scotland.

2. That it is the opinion of this Committee, that another proper head for the said bill or bills, is, that from and after a day to be appointed, no subject of *Scotland*, (except such as are now settled inhabitants of *England* or *Ireland*, or any of her Majesty's plantations, and shall so continue, or such as are now employed in (her Majesty's fleet and army) shall have any of the freedoms or privileges of *Englishmen*, until such a time, as a perfect and entire Union, be settled between the two kingdoms, or the succession to the Crown of Scotland, shall be declared and settled, by act of Parliament, in *Scotland*, in the same manner the same is settled in *England*.

3. That it is the opinion of this Committee, that another proper head for a bill or bills, is, that from and after day, to be appointed, no cattle nor sheep be brought from *Scotland*, into *England* or *Ireland*, under pain of forfeiture of the same, until such time as a perfect and entire Union be settled between the kingdoms, or the succession to the Crown of *Scotland* shall be declared and settled, by Act of Parliament, in *Scotland*, in the same manner the same is settled in *England*.

4. That it is the opinion of this Committee, that another proper head for the said bill or bills, is, that the Lord High Admiral of *England*, or the Commissioners of the Admiralty, for the time being,

being, be required to give instructions to the commanders of all her Majesty's ships, to seize on all *Scotch* ships, trading with her Majesty's enemies; and that a certain number of ships be appointed, to cruize in proper stations, for that purpose.

5. That it is the opinion of this Committee, that another proper head for the said bill or bills, is, that some further provision be made, to prevent the exporting of wool from *England* or *Ireland*, to *Scotland*.

To which the House agreed; and ordered as follows:

It is ordered, by the Lords Spiritual and Temporal, in Parliament assembled, that the Judges do prepare and bring in a bill, with all convenient speed, upon the three first heads, agreed to this day, in reference to *Scotland*; and also another bill, upon the two other heads agreed to, relating to the same matter.

It is ordered, by the Lords Spiritual and Temporal, in Parliament assembled, that this House shall be put into a Committee again, to consider further of the state of the nation, in reference to *Scotland*, on *Friday* the fifteenth day of this instant *December*, at twelve o'clock.

Page 602.

The House (pursuant to order) was adjourned, during pleasure, and put into a Committee, to consider of the state of the nation, in reference to *Scotland*.

After debate, the House was resumed; and the Earl of *Sunderland* reported the several resolutions following, (videlicet).

1. That it is the opinion of this Committee, that an humble address be made to her Majesty, that she would give speedy and effectual orders, for putting the town of *Newcastle* into a condition of defence, and for securing the port of *Tinmouth*, and for repairing and strengthening the fortifications of *Barwick*, *Carlisle*, and *Hull*.

2. That it is the opinion of this Committee, that an humble address be made to her Majesty, that she would direct the laws effectually to be put in execution, in respect to the arms and horses, against all papists, or reputed papists, and all persons refusing or neglecting to take the oaths to her Majesty; and that she would be pleased to direct an account of what is done therein, to be laid before her Majesty in Council.

3. That it is the opinion of this Committee, that an humble address be made to her Majesty,
that

that she would cause the militia of the four northern counties to be disciplined; and order, that care be taken, that they be provided with arms and ammunition, and be in readiness for service, upon occasion.

4. That it is the opinion of this Committee, that an humble address be made to her Majesty, that she would please to order, a competent number of regular troops be kept upon the northern borders.

Jan. 10th, 1799,
Ed J. Bruce.

APPENDIX, No. LVI.

An ACT for the effectual securing the Kingdom of ENGLAND, from the apparent Dangers that may arise, from several ACTs lately passed in the Parliament of SCOTLAND.

3 & 4 Queen Anne, cap. 7.

For preventing the many inconveniencies which may speedily happen to the two kingdoms of England and Scotland, if a nearer and more compleat Union be not made between the said kingdoms, Be it enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that such persons as shall be nominated by her Majesty, under the great seal of *England*, or such or so many of them as shall, in that behalf, be appointed by her Majesty to be of the *quorum*, shall, by force of this Act, have full power, commission, and authority, at such time and times, and in such place or places, as her Majesty shall please to appoint, to assemble and meet, and thereupon to treat and consult, according

according to the tenor or purport of their authority or commission, in that behalf, with certain Commissioners, as shall be authorized by authority of the Parliament of *Scotland*, and of and concerning such an Union of the said kingdoms of *England* and *Scotland*, and of and concerning such other matters, clauses, and things, as upon mature deliberation of the greatest part of the said Commissioners, assembled as aforesaid, and the Commissioners to be authorized by the Parliament of *Scotland*, according to the tenor or purport of their commissions, in that behalf, shall, in their wisdoms, think convenient and necessary, for the honour of her Majesty, and the common good of both the said kingdoms, for ever; which Commissioners of both the said kingdoms shall, according to the tenor or purport of their said authorities or commissions, in that behalf, reduce their doings and proceedings therein, into writings or instruments, quadrupartite, every part to be subscribed and sealed by them, to the end that one part thereof may, in all humbleness, be presented to the Queen's most excellent Majesty, two other parts thereof to be offered to the consideration of the Parliament for the realm of *England*, and another part to be offered to the consideration of the Parliament for the realm of *Scotland*, at their next sessions, which shall be held in each kingdom, respectively, after such writings or instruments shall be subscribed and sealed by the said Commissioners, that thereupon such further proceedings may be had, as, to her Majesty and both the Parliaments, shall be thought fit and necessary, for the weal and common good of both the said kingdoms, to
whom

whom the entire consideration of the whole, and the allowing or disallowing the whole, or any part thereof, as they shall think fit, is wholly reserved.

II. Provided always, and be it enacted and declared, That no such commission or authority as aforesaid, shall be granted, until an Act of Parliament shall be made in the kingdom of *Scotland*, empowering her Majesty to grant a commission, under the great seal of that kingdom, nominating Commissioners to treat concerning the Union of the two kingdoms.

III. Provided also, and be it further enacted and declared, That no matter or thing to be treated of, agreed, or proposed, by the said Commissioners, by virtue of this Act, shall have any force or effect, or be put in execution, until it be confirmed and established, by Act of Parliament of *England*,

“ After 25 December 1705, no native of
 “ *Scotland*, except settled inhabitants, to in-
 “ herit any lands in *England*, &c.—The se-
 “ ven following clauses are repealed, by 4
 “ *Annæ*, c. 3, § 10. Nor be supplied with
 “ horses, arms, or ammunition, from *Eng-*
 “ *land*.—*Scotch* cattle prohibited to be brought
 “ into *England* or *Ireland*.—Lawful to seize
 “ and detain cattle, so brought in.—*Englisch*
 “ cattle, intermixt with *Scotch* cattle, and so
 “ seized, subject to the like forfeiture.—Pe-
 “ nalty on persons conspiring to avoid, or e-
 “ vade such seizures.—After 25th December,
 “ 1705, no *Scotch* coals to be imported into
 “ *England* or *Ireland*; nor *Scotch* linen.”

XII. Pro-

XII. Provided always, and be it enacted and declared, by the authority aforesaid, that the Commissioners to be named, in pursuance of this act, shall not, by virtue of such commission, treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline, or government of the church, as by law established, within this realm.

Statutes at Large,
Vol. iv. p. 179.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. LVII.

QUEEN ANNE'S LETTER to the SCOTCH
PARLIAMENT.

18 June, 1705.

ANNE R.

My Lords and Gentlemen,

It has been our great care and concern, ever since our accession to the Crown, to preserve the peace, and promote the true interest and advantage, of that our ancient kingdom; and above all, to have your present establishment so secured, that both you, and after ages, may reap the benefit thereof.

You are now again met in Parliament, and no doubt, with a full view of all your present circumstances; which we heartily wish may be seconded with such endeavours, on your part, as what may best accomplish what we so really design.

In your last meeting, we recommended to you with the greatest earnestness, the settling of the
succession,

succession, of that our ancient kingdom, in the protestant line; and several things having since happened, which shews the great inconveniency of these matters continuing in suspense; we cannot but at present most seriously renew the recommendation of this settlement, as being convinced of the growing necessity thereof, both for the preservation of the protestant religion, and the peace and safety of all our dominions, and for defeating the designs and attempts of all our enemies: and to prevent any objection to the said settlement, that can be suggested, from the views or fears, or future inconveniencies, that may happen to that our kingdom, from thence; We shall be ready to give the royal assent to such provisions and restrictions, as shall be found necessary and reasonable in such a case:

And therefore we must still leave it upon you, as most necessary, for all the ends above-mentioned, that you go to the settlement of the succession, before all other business.

We are fully satisfied (and doubt not but you are) that great benefit would arise to all our subjects, by an *Union of Scotland and England*; and that nothing will contribute more to the composing of differences, and extinguishing the heats, that are unhappily raised and fomented by the enemies of both nations, than the promoting of every thing that tends to the procuring the same.

Therefore we earnestly recommend to you to pass an act, for a commission to set a treaty on

ccccxx A P P E N. No. XLVII.

foot between the kingdoms, as our Parliament of *England* has done, for effectuating what is so desirable, and for such other matters and things, as may be judged proper for our honour, and the good advantage of both kingdoms, for ever : in which we shall most heartily give our best assistance.

Records of the Parliament of Scotland,
Book 36.
W. Robertson.

And Journals of the Lords,
Vol. XVIII. Page 25.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. LVHL.

RESOLUTIONS of the PARLIAMENT of
SCOTLAND.

17 July, 1705.

RESOLVED,

That this parliament of Scotland will not proceed to the nomination of a successor, 'till we have had a previous treaty with *England*, in relation to a commerce, and other concerns, with that nation. And further, it is Resolved, That this Parliament will proceed to make such limitations and conditions of government, for the ratification of our constitution, as may secure the liberty, religion, and independency of this kingdom, before they proceed to the said nomination.

Journals of the Lords,
Vol. xviii. Page 26.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. LIX.

PROCEEDINGS of the PARLIAMENT of SCOTLAND, in appointing Commissioners to treat of an UNION with ENGLAND.

From 31 August, to 21 Sept. 1705.

31st August, 1705.

Then the Parliament proceeded to the consideration of the act for a treaty with England, and after some amendments made, upon the clause containing the powers to be given to the Commissioners, the same was approved.

Moved, That there be an addition to the said clause, in their terms: That the Union to be treated on, shall not derogate, any wayes, from any fundamental laws, ancient priviledges, offices, rights, dignities, and liberties of this kingdome: and after debate, it was put to the vote, add the clause or not? And carried in the negative.

The further consideration of the act delayed till next sederunt.

Then the Lord Chancellour, by order of her
Majesties

Majesties High Commissioner, adjourned the Parliament till to-morrow, at ten o'clock.

September 1st, 1705.

Minutes of the last sederunt read.

Then the Parliament proceeded upon a draught of the act, for a treaty with the kingdom of England, and the act read; also the clause presented by the Duke of Atholl, relative thereto, read; and moved, that the same be added to the act.

Moved, that the first part of the said clause, rescinding that part of the English act, declaring the subjects of Scotland to be aliens, after the twenty-fifth of December M.VII^e. and five, be first under the Parliaments consideration; which was agreed to.

Thereafter moved, that the act for a treaty be plain and simple, without qualities; and that the sentiment of the nation, concerning the clause in the English act, declaring the subjects of Scotland to be aliens, be considered in a separate way, other than by this act of treaty.

After reasoning, it was agreed to by the estates of Parliament, that the clause in the English act, declaring the Scots aliens, be rescinded, before the treaty of union commence.

Thereafter,

Thereafter, the clause given in by the Duke of Atholl, read, being in these terms: Provideing always, that the said Commissioners shall not go forth of this kingdom, to enter into any treaty with these to be appointed for England, until there shall be an act passed by the Parliament of England rescinding that clause in the English act, by which it was enacted, that the subjects of Scotland shall be adjudged and taken as aliens, after the twenty-fifth of December, M.VII^e. and five. And a vote was thereupon stated; add the clause to this act, or do it by a seperate way.

Before voting, the Duke of Atholl gave in a protestation, in these terms: In regard that by an English Act of Parliament, made in the last session thereof, intituled, Act for the effectual secureing the Kingdom of England from the apparent Dangers, that may arise from several Acts lately past in the Parliament of Scotland, the subjects of this kingdom, are to be adjudged aliens, born out of the alledgeance of the Queen, as Queen of England, after the twenty-fifth of December, M.VII^e. and five; I do therefore protest, for myself, and in name and behalf of all who adhere to this my protestation, that for saveing the honour and interest of her Majesty, as Queen of this kingdom, and maintaining and preserving the undoubted rights and priviledges of her subjects, no act for a treaty with England ought to pass in this house, unless a clause be adjected thereto, prohibiteing and discharging the Commissioners, that may be nominat and appointed, for carrying on the said treaty, to depart the kingdom, in order thereto, until the said clause

clause be repealed and rescinded by the Parliament of England : and do therefore desire, this my protestation, may be marked and recorded in the records of Parliamnet. Which protestation being read, the said Duke of Atholl did take instruments, thereupon, and the same was adhered to by the persons following, viz.

Of the Nobility.—The Duke of Hamilton; the Marquises of Montrose and Tweeddale; the Earls of Erroll, Marischall, Rothes, Home, Wigton, Strathmore, Roxburgh, Haddinton, Selkirk, Aberdeen, Ruglen and Bute; the Viscount of Stormont; the Lord Saltown, the Lord Semple, the Lord Balmerinloch, the Lord Blantyre, the Lord Pitsligo, the Lord Belhaven, the Lord Colvil, and the Lord Kinnaird.

Of the Barons —George Lockhart of Carnwath, Sir James Fowlis of Collington, Sir Robert Sinclair of Longformacus, Sir John Swintoun of that Ilk, Sir Patrick Home of Rentoun, George Baillie of Jerviswood, John Sinclair, younger, of Stevenstoun, Mr. Alexander Ferguson, of Isle, John Brisbane, younger, of Bishoptown, Mr. William Cochran of Kilmaronock, Sir Humphray Colquhoun of Luss, Sir John Houstoun of that Ilk, John Graham of Killearn, James Graham of Buchlivie, Robert Rollo of Powhouse, Sir Patrick Murray of Ochertyre, John Murray of Strowan, Sir David Ramsay of Balmaine, Alexander Gordon of Pitlurg, John Udney of that Ilk, James Moir of Stonywood, Ludovic Grant of that Ilk, David Bethun of Belfour, Major Henry Balfour of Dunboug, Robert Douglas of Strahendry, Mr. Patrick Lyon of Auchterhouse, Mr. James Carne-

gy of Finhaven, James Halyburton of Pitcurr, David Graham, younger, of Fintrie, James Ogilvie, younger, of Boynd, Alexander Duff of Bracoe, Alexander Mackghie of Palgoun, Sir George Sinclair of Clyth, James Sinclair of Stempster, Mr. Alexander Abercrombie of Tillibody, Mr. George Mackenzie of Inchcutter, and Mr. Æneas Mackleod of Cadboill.

Of the Royal Burrows.—Alexander Robertson, Alexander Watson, Alexander Edgar, Patrick Bruce, Alexander Duff, Sir John Erskine, James Spittle, Francis Mollison, Sir Peter Halkat, John Hutcheson, Mr. William Sutherland, Mr. John Lyon, Mr. Dougald Stewart, Sir Robert Anstruther, Mr. John Carruthers, George Home, Mr. James Bethun, and Mr. Robert Frazer.

Then the vote was stated ; add the clause to this act, or do it by a seperat way ; and carried, by a seperat way.

Moved, That the Parliament now proceed to consider the way of the nomination of the Commissioners for the treaty, whether the same shall be left to her Majesty, or be done by the Estates of Parliament.

Also moved, That it being now late, the further proceeding on this act be delayed, till the next sederunt ; and the vote being stated,—proceed on this act, or delay ; carried, proceed.

Thereafter, the vote was stated ; leave the nomination of the Commissioners to the Queen, or to
be

be done by the Estates of Parliament ; and carried, to be left to the Queen.

Then the act was again read, and put to the vote ; approve or not.

Before voting, the said said Duke of Atholl protested against approving the act, in respect of the reasons contained in his former protestation, which was also adhered to by the persons following :

Of the Nobility.—The Marquesses of Montrose and Tweeddale ; the Earls of Errol, Marischall, Rothes, Home, Wigtoun, Strathmore, Roxburgh, Haddinton, Selkirk, Aberdeen, and Ruglen ; the Viscount of Stormont ; the Lord Saltoun, the Lord Semple, the Lord Balmerinoch, the Lord Blantyre, the Lord Pittligo, the Lord Belhaven, the Lord Colvil, and the Lord Kinnaird.

Of the Barons.—George Lockhart of Carnwath, Sir Patrick Home of Rentoun, George Bailie of Jervesswood, John Sinclair, younger, of Stevenstoun, Mr. Alexander Ferguson of Isle, John Brisbane, younger, of Bishoptoun, Mr. William Cochrane of Kilmaronock, Sir Humphray Colquhoun of Lufs, Sir John Houstoun of that Ilk, John Grahame of Killearn, James Grahame of Buchlivie, Robert Rolle of Powhouse, Sir Patrick Murray of Ochertyre, John Murray of Strowan, Alexander Gordon of Pitlerig, John Udney of that Ilk, James Moir of Stonywood, Ludovic Grant of that Ilk, David Bethun of Balfour, Major Henry Balfour of Dunboug, Robert Douglass of Strahendrie, Mr. Patrick Lyon of Auchterhouse, Mr.

James Carnegie of Finhaven, James Halyburton of Pitcur, David Grahame, younger, of Fintrie, James Ogilvie, younger, of Boynd, Alexander Duff of Bracoe, Alexander Macghie of Palgoun, Sir George Sinclair of Clyth, James Sinclair of Stempster, Mr. Alexander Abercrombie, of Tillibody, Mr. George Mackenzie of Inchcutter, and Æneas Mackleod of Cadboill.

Of the Royal Burrows.—Alexander Robertson, Alexander Watson, Alexander Edgar, Patrick Bruce, Alexander Duff, Sir John Erskine, James Spittle, Sir John Halkat, Francis Mollison, John Hutcheson, Mr. William Sutherland, Mr. John Lyon, Mr. Dougald Stewart, Sir Robert Anstruther, Mr. John Carruthers, George Home, Mr. James Bethun, and Mr. Robert Fraser.

Then the vote was stated ; approve the act, or not ; and carried, approve.

Then the Lord Chancellour, by order of her Majesty's High Commissioner, adjourned the Parliament, till Tuesday next, at ten of the clock.

4th September, 1605.

Minutes of the last Sederunt read.

The draught of an address to her Majesty, presented by the Earl of Sutherland, read.

Another

Another address to her Majesty, presented by the Laird of Saltoun, read.

Overture of an act, ordaining and directing, that the Commissioners to be named by her Majesty, for the part of Scotland, shall not enter upon a treaty, till the clause in the English act declaring us aliens, be rescinded, read.

Moved, That the Parliament proceed in this matter, by way of order of Parliament, and by addressing her Majesty, and not by way of act of Parliament; and after debate, it was put to the vote; proceed by way of order and address, or by way of act and address; and carried, by way of order and address.

Then agreed and ordered, by the Estates of Parliament, *nemine contradicente*, that the Commissioners to be named by her Majesty, for the kingdom of Scotland, shall not commence the treaty of union, until the clause in the English act, declaring the subjects of Scotland aliens, be rescinded.

Thereafter, the Parliament proceeded to consider the draught of the address to her Majesty, that was first given in; and after some amendments thereon, it was put to the vote; approve the address or not; and carried, approve, *nemine contradicente*; of which address, the tenor follows:

May it please your Majesty,

We, your Majesties most loyal and dutiful subjects, the noblemen, barons, and burgessees,
assembled

assembled in Parliament, do, in all humility, represent to your Majesty, that in compliance with the desire of your Majesties royal letter, whereby you earnestly recommend to us, to pass an act for a commission, to set a treaty on foot, betwixt the kingdoms of Scotland and England, and for a nearer and more compleat union between them, and for such other matters and things, as may be judged proper for your Majesties honour, and the good and advantage of both kingdoms, for ever, we have, by our vote, agreed to the passing of the said act, in the most fair and equal terms, that could be expected, leaving to your Majesty the nomination of the commissioners for this kingdom, and the time and place of their meeting with the Commissioners of England.

But tho' we have, in that act, forbore to take any notice of a clause in a late act of the Parliament of England, intituled, An Act for the effectual securing the Kingdom of England, from the apparent Dangers that may arise from several Acts, lately past in the Parliament of Scotland; by which clause, the natives of this, your ancient kingdom of Scotland, are, after the twenty-fifth day of December next, to be adjudged and taken as aliens, born out of the alledgeance of the Queen of England; yet we cannot but, with all submission, signify to your Majesty, as Sovereign of both kingdoms, that we, and the whole nation, whom we represent, are most sensible of the great injury done us by that clause, whereby we are denied the right and privilege in England, which the natives of England do enjoy in Scotland, and which

which we have constantly enjoyed in England, as a legal and necessary consequence of our being natural born subjects of the same Sovereign, and hath always been sustained, as a mutual privilege in the courts and judicatures of both nations: for which reason, we have found it absolutely necessary, for maintaining the honour of this nation, to agree and order, unanimously, that the Commissioners to be nominat by your Majesty, for this kingdom, shall not commence any treaty with England, untill first the said clause in the the English act be repealed.

We must, therefore, in all humility, intreat and hope, from your Majesties goodness and justice, that in your royal wisdom, you will take such course, as the said clause in the act of the English Parliamt may be repealed, to the effect the foresaid treaty of Union, so much desired, may commence and proceed, with the wished-for success.

Subscribed, in presence, by warrands, and in name of the Estates of Parliament, by,

May it please your Majesty,

Your Majesties most humble, most obed^t,
and most faithful subject and servant,

Sic subscribitur,

SEAFIELD, Cancellor.

J. P. D. P.

21st September, 1705.

The Estates of Parliament, considering, with what earnestness the Queen's Majesty has recommended to them, the settling of the succession to the imperial crown, of this her ancient kingdom, in the protestant line, failing heirs of her own body, and also to enter into a treaty with the kingdom of England, as the most effectual way of extinguishing the heats and differences, that are unhappily raised, betwixt the two nations: and in prosecution of her Majesty's royal and just purpose, of having a treaty set on foot, betwixt her two independent kingdoms of Scotland and England, without which these things, of great consequence, betwixt them, cannot be accommodat, therefore her Majesty, with the advice and consent of the Estates of Parliament, doth enact, statute, and ordain, that such persons, and quorum thereof, as shall be nominat and appointed by her Majesty, under the great seal of this kingdom, shall have full power and commission. Likeas her Majesty, with advice and consent foresaid, doth hereby grant and give, full power, commission, and authority, to the said persons, and their quorum, to convene and meet at such time and times, and in such place and places, as her Majesty shall please to appoint, to treat and consult, with such commissioners, as shall be authorized by authority of the Parliament of England, of and concerning an union of the kingdoms of Scotland and

and England, and of and concerning such other matters, clauses, and things, as, upon mature deliberation of the greatest part of the said Commissioners, assembled as aforesaid, and the Commissioners to be authorised by authority of the Parliament of England, according to the tenor of their commissions, in that behalf, shall think necessary and convenient, for the honour of her Majesty, the common good and welfare of both the said realms, for ever. And the said Commissioners for both the said kingdoms shall, according to the tenor of their said commissions, respectively, set down and reduce their proceedings, in the said matter, into three several writings and instruments, each of them to be subscribed and sealed by the said Commissioners, and their quorum, to the end that one of these writings or instruments may, in all humility, be presented to the Queen's Majesty, and another of the said writings or instruments to be offered to the Parliament of Scotland, and the other of the said writings or instruments to be offered to the Parliament of England, at their next sessions, to be held in each kingdom, respectively, after such writings or instruments shall be subscribed and sealed by the said Commissioners, that thereupon such further proceedings may be had, as, by her Majesty, and both the said Parliaments, shall be thought fit and necessary, for the well and common good of both the said kingdoms; to which Parliaments, the entire consideration of the whole, and the allowing or disallowing of the same, or any part, as they shall think fit, is wholly reserved. And it is further provided, that no matter or thing, to be treated of, proposed,

or agreed, by the said Commissioners, by virtue of this act, shall be of any strength or effect, whatsoever, until it be first confirmed and established, by authority, and an act of the Parliament of Scotland. Providing also, that the said Commissioners shall not treat, of and concerning any alteration of the worship, discipline, and government of the church of this kingdom, as now by law established.

Records of the Parliament of
Scotland, Book XXXVI.
W. Robertson.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX. No. LX.

QUEEN ANNE'S Appointment of COMMISSIONERS for SCOTLAND.

Feb. 27th, 1706.

Anna Dei Gratia, Magnæ Britanniae, Franciæ, & Hyberniae Regina, Fideique Defensor, &c. Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint, salutem; quandoquidem Nos considerantes immense commodum omnibus nostris subditis, per arctiorem & completiorem Unionem Regnorum nostrorum Scotiæ & Angliæ oriundum cumque per actum Parliamenti dicti Regni Angliæ, anno Domini millesimo, septingentesimo quarto iis personis, vel tot tali eorundem numero, qui a nobis nominarentur, et quos Nos in hunc effectum, pro quorum (ut loquuntur) statuerimus, plena autoritas & potestas concessa est conveniendi & tractandi cum iis Commissionariis, autoritate Parliamenti Scotiæ muniendis, de tali Unione dictorum duorum Regnorum Scotiæ & Angliæ, ac circa quæcunque alia negotia, causas & res quæ (debita deliberatione habita, majoris partis dictorum Commissionariorum (ut prædicitur) congregatorum) una cum Commissionariis, autoritate Parliamenti Scotiæ muniendis, dicti Commissionarii nostro honori & mutuo bono utriusque Regni in perpetuum

petuum convenientia & necessaria, in eorum prudentia judicabunt: Nosque etiam ex Regia nostra affectione, & cura ad promovendam felicitatem omnium nostrorum subditorum, tale insigne & bonum opus prosequi desiderantes & cupientes, Parlamento nostro Scotiæ Mense Junii ultimo elapso commendavimus, ut cum dicto Regno nostro Angliæ tractatus institueretur; in cujus prosecutione, per quartum actum sessionis Parlamento ultimo elapsæ, decretum, statutum & ordinatum est, quod ii, & quot eorum nobis visum fuerit, sub magno sigillo dicti antiqui nostri Regni Scotiæ, constituere & nominare, plenam potestatem, commissionem & auctoritatem haberent, locis & temporibus a nobis designandis, conveniendi ac congregandi; ac cum talibus Commissionariis, auctoritate Parlamento Angliæ muniendis, tractandi & deliberandi, circa talem Unionem dictorum duorum Regnorum Scotiæ & Angliæ, & circa quæcunque alia negotia, causas & res, quæ (matura deliberatione habita majoris partis dictorum Commissionariorum, ut prædicitur, congregatorum) una cum Commissionariis, auctoritate Parlamento Angliæ muniendis, secundum tenorem eorum Commissionum eatenus concessarum, dicti Commissionarii honori nostro & utilitati, & mutuo commodo dictorum nostrorum Regnorum, in perpetuum conducere judicabunt; ac etiam quod dicti Commissionarii, pro utroque Regno, secundum tenorem suarum Commissionum respective, sua acta & gesta, in eadem materia, in tria diversa scripta aut instrumenta singulatim per ipsos, aut eorum quorum scribenda & sigillanda redigent & digerent; in & ad hunc finem, ut unum dictorum scriptorum nobis, aliud dictorum scrip-
torum

torum Parlamento Scotiæ, & tertium dictorum scriptorum aut instrumentorum Parlamento Angliæ, proximis Parliamentorum sessionibus in utroque regno respective tenendis, exhibeantur; postquam dicta scripta seu instrumenta, per dictos Commissionarios, subscripta & sigillata fuerint, ut desuper Nos & dicta Parlamenta ultra procedamus, prout necessarium visum fuerit, pro commodo & bono utriusq; regni, quibus Parliamentis integra consideratio totius, ac in totum vel pro parte approbandi, prout iis expediens videbitur, omnino reservatur; et per antedictum actum providitur, quod nulla materia aut res tractanda, proponenda, vel per dictos Commissionarios, virtute prædicti acti, concludenda, ullius erit vigoris, seu effectus cujuscunq; donec prius autoritate & actio Parliamenti Regni Scotiæ confirmata & stabilita fuerit: et quod non licitum erit dictis Commissionariis, de alternatione cultus disciplinæ aut regiminis ecclesiæ Scoticanæ, ut nunc per leges stabilita sunt, ullo modo tractare: cumq; nos satis experte specialem fidem & fiduciam reponamus, in fidelitate, eximiis animi dotibus, & prudentia personarum infra-scriptarum, viz. Jacobi Comitis de Seafield, summi nostri Cancellarii dicti Regni, Jacobi Ducis de Queensberry, Secreti nostri Sigilli Custodis, Joanni Comitis de Mar, & Hugonis Comitis de Loudoun, nostrorum principalium Status Secretariorum, Joannis Comitis de Sutherland, Jacobi Comitis de Morton, Davidis Comitis de Weyms, Davidis Comitis de Leven, Joannis Comitis de Stair, Archibaldi Comitis de Roseberry, Davidis Comitis de Glasgow, nostri Thesaurarii Deputati, Archibaldi Campbell, Fratris Germanii Ducis de Argyle, Thomæ Vicecomitis de Duplin,

Duplin, Gulielmi Domini de Ross, unius Commissionariorum nostræ Thesaurarii, Domini Hugonis Dalrymple, Collegii nostri Justitiæ Præsidis, Adami Cockburn de Ormestoun, nostri Justitiarum Clerici, Domini Roberti Dundas de Arnistoun, & Magistrum Roberti Steuart de Tillicultrie, unius Senatorum Collegii Justitiæ, Magistrum Francisci Montgomery, unius Commissionariorum nostri Thesaurarii, Domini Davidis Dalrymple, unius nostrorum Solicitorum, Domini Alexandri Ogilvie de Forglan, Generalis nostri Receptoris, Domini Patricii Johnstoun, Præpositi Edinburgensis, Domini Jacobi Smollet de Bonhill, Georgii Lockhart de Carnwath, Gulielmi Morison de Prestongrange, Alexandri Grant de eodem Junioris, Gulielmi Seton de Pitmedden Junioris, Joannis Clarke de Pennycook Junioris, Hugonis Montgomery nuper Præpositi Glasguensis, Danielis Steuart Fratris Germani Baronis de Castlemilk, & Danielis Campbell de Arntennet; noveritis igitur Nos nominasse, constituisse & ordinasse, sicuti Nos tenore præsentium, nominamus, constituimus & ordinamus nemoratas personas Commissionarios, pro dicto regno Scotiæ, ad effectum prædictum; dando & concedendo illis, vel eorum novem, quos pro quorum (ut loquuntur) statuimus, plenam protestatem, commissionem & auctoritatem, congregandi & conveniendi, cum talibus Commissionariis, auctoritate Parliamenti Angliæ muniendis, vel eorum sufficiente numero (vulgo quorum) apud civitatem nostram de Westminster, decimo sexto die mensis Aprilis proxime sequentis, & tempore, & loco prædicto, tractandi circa Unionem dictorum regnorum, Scotiæ & Angliæ; & circa quæcunque alia negotia, causas & res, quæ (matura deliberatione

tione habita majoris partis dictorum Commissionariorum, ut prædicitur, congregatorum) una cum Commissionariis, autoritate Parlamenti Angliæ muniendis, secundum tenorem eorum Commissionum, in hunc effectum; dicti Commissionarii honori nostro, & commodo, & mutuo bono utriusque regni in perpetuum necessaria & convenientia judicabunt, cum potestate dictis Commissionariis, & eorum sufficiente numero (vulgo quorum, ut loquuntur) de tempore in tempus, cum aut absq; continuatione congregandi & conveniendi; & in omnibus quibuscunq; rebus, per præsentem, vel dictum actum Parlamenti, eorum curæ conceditis & commissis, secundum eorum officium & judicium procedendi, mandando & requirendo prædictos Commissionarios curam adhibere, & omnia sua acta & gesta in præmissis, in tria diversa scripta aut instrumenta, debite redigantur & digerentur, per eos subscribenda, figillanda & præparanda, ita ut nobis, & Parlamenti utriusque regni exhibeantur; modo per dictum actum statuto & exquisito, declarando omni modo per præsentem; quod licitum non erit dictis Commissionariis de alteratione cultus, disciplinæ aut regiminis ecclesiæ Scoticanæ, ut nunc per leges stabilita sunt, ullo modo tractare, ac etiam declaranda nulla negotia, aut res tractanda, proponenda, aut per dictos Commissionarios, virtute præsentis Commissionis, concludenda, ullius fore vigoris seu effectus cujuscunque, donec prius autoritate & acto Parlamenti dicti antiqui regni Scotiæ, confirmata & stabilita fuerint: reservando nobis plenam protestatem & auctoritatem continuandi præsentem Commissionarios, ad quemvis locum, & quoties nobis visum fuerit, per scriptum nostri

nostri regali manu signatum, aut epistolam iis directam, non obstante potestate seipso continuandi, talibus temporibus, & ad tales locos, ut ipsis visum fuerit, per præsentes iis concessa. In cuius rei testimonium, præsentibus magnum sigillum nostrum appendi præcipimus. Apud aulam nostram de Kensington, vigesimo septimo die mensis Februarii, anno Domini millesimo septingentesimo sexto, & anno regni nostro quarto.

Per Signaturam manu S. D. N.
Reginæ Supra-scriptam.

Jan. 10th, 1799.
Ex. J. Bruce.

APPENDIX, No. LXI.

QUEEN ANNE's Appointment of COMMISSIONERS for ENGLAND.

April 10, 1706.

Anne, by the Grace of God, Queen of England, Scotland, France and Ireland, Defender of the Faith, &c. To the most Reverend Father in God, Thomas Archbishop of Canterbury; our right trusty and well-beloved Counsellor William Cooper, Esq; our Keeper of our Great Seal of England; the most Reverend Father in God, John Archbishop of York; our right trusty and well-beloved Counsellor, Sidney, Lord Godolphin, our High Treasurer of England; our right trusty and right well-beloved Cousin and Counsellor Thomas Earl of Pembroke and Montgomery, our President of our Council; our right trusty and right entirely beloved Cousins and Counsellors John Duke of Newcastle, our Keeper of our Privy Seal; William Duke of Devonshire, our Steward of our Household; Charles Duke of Somerset, our Master of our Horse, and Charles Duke of Bolton; our right trusty and right well-beloved Cousins,

3 k

Charles

Charles Earl of Sunderland, and Evelin Earl of Kingston; our right trusty and right well-beloved Cousin and Counsellor Charles Earl of Carlisle; our right trusty and right well-beloved Cousin Edward Earl of Orford; our right trusty and well-beloved Cousin Charles Viscount Townsend; our right trusty and well-beloved Counsellor Thomas Lord Wharton; our right trusty and well-beloved Ralph Lord Grey; our right trusty and well-beloved Counsellor John Lord Powlet; our right trusty and well-beloved John Lord Summers, and Charles Lord Hallifax; our right trusty and well-beloved Counsellor John Smith, Esq. our right trusty and well-beloved William Cavendish, Esq. commonly called Marquis of Hartington; John Manners, Esq. commonly called Marquis of Granby; our right trusty and well-beloved Counsellors Sir Charles Hedges, Knight, and Robert Harley, Esq. our principal Secretaries of State; Henry Boil, Esq. Chancellor and under Treasurer of our Exchequer; Sir John Holt, Knight, Chief Justice of our Court of Queen's Bench; Sir Thomas Trevor, Knight, Chief Justice of our Court of Common Pleas; Sir Edward Northey, Knight, our Attorney-General; Sir Symon Harcourt, Knight, our Solicitor-General; Sir John Cook, Knight, Doctor of Laws, our Advocate-General, and Stephen Waller, Doctor of Laws; greeting. Whereas, the kingdoms of England and Scotland were first united in allegiance and loyal subjection in the person of our Royal Great Grandfather King James the First, since which happy conjunction, it hath been very much endeavoured that a nearer and more compleat Union might be settled
between

between both kingdoms, and some progress towards the attainment thereof was made, not only in the time of our said late Royal Great Grandfather, but also in the time of our late Royal Uncle, King Charles the Second. And whereas, we out of our princely zeal and care for the welfare and happiness of our subjects, being also desirous of a nearer and more compleat Union between our said kingdoms of England and Scotland, did recommend to our Parliament of England, from the throne, to consider of proper methods for obtaining the same: And whereas, in our Parliament held at Westminster in the third and fourth years of our reign, an act passed, entitled, (*An Act for the effectual Securing the Kingdom of England from the apparent Dangers that may arise from several Acts lately passed in the Parliament of Scotland*), in and by which act of Parliament, it was enacted, that such persons as should be nominated by us, under our Great Seal of England, or such and so many of them, as should in that behalf be appointed by us, to be of the quorum, should by force of the same act, have full power, commission and authority, at such time and times, and in such place or places, as we should please to appoint, to assemble and meet; and thereupon to treat and consult, according to the tenor, or purport of their authority or commission in that behalf, with certain Commissioners, as should be authorized by authority of the Parliament of Scotland, of and concerning such an Union of the said kingdoms of England and Scotland, and of and concerning such other matters, clauses and things, as, upon mature deliberation of the greatest part of the said

Commissioners, assembled as aforesaid, and the Commissioners to be authorized by the Parliament of Scotland, according to the tenor or purport of their commission in that behalf, should, in their wisdoms think convenient and necessary, for our honour, and the common good of both our said kingdoms for ever: And that the Commissioners of both the said kingdoms should, according to the tenor or purport of their said authorities or commissions in that behalf, reduce their doings and proceedings therein, into writings or instruments quadrupartite, every part to be subscribed and sealed by them, to the end, that one part thereof may, in all humbleness, be presented to us; two other parts thereof, to be offered to the consideration of the Parliament, for the realm of England; and another part to be offered to the consideration of the Parliament, for the realm of Scotland, at their next Sessions, which should be held in each kingdom respectively, after such writings or instruments should be subscribed and sealed by the said Commissioners, that thereupon such further proceedings might be had, as we and both the said Parliaments should think fit and necessary, for the weal and common good of both the said kingdoms, to whom the entire consideration of the whole, and the allowing or disallowing the whole, or any part thereof, as they shall think fit, is wholly reserved, as in and by the said act, relation thereunto being had, may more at large appear. And whereas, in the fourth year of our reign, an act was made and passed in our Parliament of our kingdom of Scotland, for enabling us to appoint Commissioners, to treat with Commissioners

misioners for our kingdom of England, of and concerning an Union of the said kingdoms; now know ye, that we reposing especial trust and confidence in your fidelity, ability, prudence, industry, diligence and circumspection, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you the said Thomas Archbishop of Canterbury; William Cooper; John Archbishop of York; Sidney, Lord Godolphin, Thomas Earl of Pembroke and Montgomery, John Duke of Newcastle, William Duke of Devonshire, Charles Duke of Somerset, Charles Duke of Bolton, Charles Earl of Sunderland, Evelin Earl of Kingston, Charles Earl of Carlisle, Edward Earl of Orford, Charles Viscount Townsend, Thomas Lord Wharton, Ralph Lord Grey, John Lord Powlet, John Lord Summers, Charles Lord Hallifax, John Smith, William Marquis of Hartington, John Marquis of Granby, Sir Charles Hedges, Robert Harley, Henry Boil, Sir John Holt, Sir Thomas Trevor, Sir Edward Northey, Sir Symon Harcourt, Sir John Cook, and Stephen Waller, to be Commissioners for the kingdom of England, in this behalf, giving unto you, and any seven or more of you, full power and authority, to assemble and meet with the Commissioners authorized, or to be authorized by us, pursuant to the said act made in our Parliament of Scotland, or so many of them, as shall be a quorum, at our Council Chamber at the Cockpit, Whitehall, upon Tuesday the 16th day of this instant April; and then and there, to treat and consult with them, of and concerning such an Union of the said kingdoms of England and Scotland, and of and concerning

cerning such other matters, clauses and things, as you and the Commissioners authorized, or to be authorized, as aforesaid, or the major part of you and them assembled, shall, upon mature deliberation, think convenient and necessary for our honour, and the common good of both our said kingdoms for ever; and from time to time, with or without adjournments, to assemble and meet at the place aforesaid, or at such other place or places, as the major part of you and them assembled, shall think fit; and to proceed in all and every the matters herein before-mentioned, committed to your care, according to your best discretions: And you are to take care that all your doings and proceedings, in and about the premises, with the Commissioners authorized, or to be authorized, as aforesaid, be reduced into writings or instruments quadrupartite, and that every part thereof be subscribed and sealed by you and them, and be presented unto us, and to the Parliaments of both our said kingdoms, in such manner and form, as in and by the said first mentioned act, is enjoined and required. In witness whereof, we have caused these our letters to be made patents. Witness ourself at Westminster the 10th Day of April, in the Fifth Year of our Reign.

Per Breve de privato Sigillo, Wright.

Note—In the Warrant Book, Vol ix.—1704—1710—page 155—The Warrant corrected as above, is signed the 8th day of April, by Mr. Secretary Hedges.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. LXII.

NAMES of COMMISSIONERS for ENGLAND
and SCOTLAND.

16th April, 1706.

ENGLAND.

Thomas Archbishop of Canterbury.
William Cooper, Esq. Lord Keeper.
John Archbishop of York.
Sidney Lord Godolphin, High Treasurer.
Thomas Earl of Pembroke and Montgomery,
Lord President of Council.
John Duke of Newcastle, Lord Privy Seal.
William Duke of Devonshire, Steward of
the Household.
Charles Duke of Somerset, Master of Horse.
Charles Duke of Bolton.
Charles Earl of Sunderland.
Evelin Earl of Kingstone.
Charles Earl of Carlisle.
Edward Earl of Orford.
Charles Lord Viscount Townsend.
Thomas Lord Wharton.
Ralph Lord Grey.
John Lord Powlet.
John Lord Sommers.
Charles Lord Hallifax.

John

John Smith, Esq. Speaker of the House of Commons.

William Marquis of Hartington.

John Marquis of Granby.

Sir Charles Hedges, Knt. } Secretaries
Robert Harley, Esq. } of State.

Henry Boil, Chancellor, and Under-Treasurer of the Exchequer.

Sir John Holt, Knt. Chief Justice of the Court of Queen's Bench.

Sir Thomas Trevor, Knt. Chief Justice of the Court of Common Pleas.

Sir Edward Northey, Knt. Attorney General.

Sir Symon Harcourt, Knt. Solicitor General.

Sir John Cook, Doctor of Laws, Advocate General.

Stephen Waller, Doctor of Laws.

SCOTLAND.

James Earl of Seafield, Lord Chancellor.

James Duke of Queensberry, Lord Privy Seal.

John Earl of Mar. } Secretaries of
Hugh Earl of Loudoun. } State.

John Earl of Sutherland.

James Earl of Morton.

David Earl of Wemyss.

David Earl of Leven.

John Earl of Stair.

Archibald Earl of Roseberry.

David Earl of Glasgow, Treas. Deput.

Lord Archibald Campbell, brother germain to the Duke of Argyle.

Thomas Lord Viscount Duplin.

William

William Lord Ross, one of the Commissioners of Treasury.

Sir Hugh Dalrymple, Lord President of Session.

Adam Cockburn of Ormestoun, Lord Justice Clerk.

Sir Robert Dundas of Arnistoun, one of the Seneators of the Col. of Justice.

Mr. Robert Steuart of Tillicultrie, one of the Sentors of the Col. of Justice.

Mr. Francis Montgomery, one of the Commissioners of the Treasury.

Sir David Dalrymple, Solicitor.

Sir Alexander Ogilvie of Forglen, General Receiver.

Sir Patrick Johnstone, Lord Provost of Edinburgh.

Sir James Smollet of Bonhill.

George Lockhart of Carnwath.

William Morison of Prestongrange.

Alexander Grant, younger, of that Ilk.

William Seton, younger, of Pitmedden.

John Clark, younger, of Pennicook.

Hugh Montgomery, late Provost of Glasgow.

Daniel Stewart, brother german to the Laird of Castlemilk.

Daniel Campbell of Ardintennie.

Jan. 10th, 1799,
Ex^d J. Bruce.

APPENDIX, No. LXIII.

EXTRACTS from the MINUTES of the CON-
FERENCES, relative to the TREATY of
UNION, in the Years 1706.

(From De Foe's History of the Union.)

1.

Speech of the Lord Keeper of the Great
Seal of England.

16th April, 1706.

My Lords,

We, the Commissioners appointed by Her Majesty, and authorized by the Parliament of England, to consult and treat with your Lordships, as impowered in like manner by her Majesty and the Parliament of Scotland, concerning an Union of the two kingdoms, and such other things, as we, the Commissioners on both parts, shall think convenient and necessary, for the honour of her Majesty, and the common good of both kingdoms, do apprehend, there never was (in any assembly of this nature) so little occasion, as at present, for the Commissioners of England to give any verbal assurances of their zeal to promote and compleat (so far as in their power) the great and good
design

design we are met about ; since it cannot be doubted, but that we bring along with us the same sentiments which so lately appeared in the Parliament of England, when they took care to manifest, by a solemn act, that they did postpone all other considerations, to their evidencing a good and friendly disposition towards the kingdom of Scotland.

The Parliament of England, in making that unexpected advance, seemed resolved, if possible, to attain that Union, which hath been so long thought necessary, by all that wish well to the prosperity of both nations.

And we most sincerely assure your Lordships, that we accordingly meet your Lordships, with hearts fully resolved, to use our utmost endeavours to remove all difficulties in this treaty, to prevent all misunderstandings, to cherish and improve the good dispositions to one another we meet with, to have the general and joint good of both kingdoms solely in our view, and not the separate of either ; but to act as if we were already united in interest, and had nothing left to consider, but what settlements and provisions are most likely to conduce to the common safety and happiness of this whole island of Great Britain.

Which measures, if pursued on both parts, we hope may enable us to prepare such terms of Union, as may prove satisfactory to her Majesty, and the Parliaments of both kingdoms.

2.

Speech of the Earl of Seafield, Lord High
Chancellor of Scotland.

16th April, 1706.

My Lords,

The Lords Commissioners for Scotland have desired me to assure your Lordships, that they meet you on this occasion, with great willingness and satisfaction, to treat of an Union, between the two kingdoms, and of such other matters and concerns, as may be for her Majesty's honour, and the maintaining a good understanding, between the two nations.

We are convinced, that an Union will be of great advantage to both; the Protestant religion will be thereby the more firmly secured, the designs of our enemies effectually disappointed, and the riches and trade of the whole island advanced.

This Union has been often endeavoured, both before, and since the kingdoms were united in allegiance under one Sovereign; and several treaties have been set on foot for that end, though without the desired success; but now we are hopeful, that this shall be the happy opportunity of accomplishing it; her Majesty hath frequently signified her good inclinations towards it; and we are the more encouraged to expect success in this treaty, by the good disposition apparent in the Parliament of Scotland for it, and by the friendly proceedings,
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in the last session of the Parliament of England, which gave general satisfaction.

We have great confidence in your Lordships good intentions, and we shall be ready, on our parts, to enter into such measures with you, as may bring the treaty to such a conclusion, as may be acceptable to her Majesty, and to the Parliaments of both kingdoms.

3.

Preliminary Articles.

22 April, 1706.

1. That all proposals, made by either side, be made in writing, and every point agreed on shall be reduced into writing.

2. That no point, though agreed on, and reduced into writing, shall be obligatory on either side, till all matters be adjusted, in such manner, as will be proper to be laid before the Queen and the two Parliaments, for their approbation.

3. That there be a Committee appointed, consisting of a certain number of each Commission, to revise the minutes of what passes, which are not to be inserted by the Secretaries, in their respective books, but by order of the said Committee, having first made report thereof to the
respective

respective Commissioners, and received their approbation of the same.

4. That all the proceedings of the Commissioners of both kingdoms, during the treaty, be kept secret.

4.

Proposals by the English Commissioners, for adopting the name of Great Britain, for the united Kingdoms, and respecting the Succession to the Monarchy.

That the two kingdoms of England and Scotland, be for ever united into one kingdom, by the name of Great Britain; that the united kingdom of Great Britain be represented by one and the same Parliament; and that the succession to the Monarchy of the united kingdom of Great Britain, in case of failure of heirs of her Majesty's body, be, according to the limitations mentioned in an act of Parliament, made in England, in the 12th and 13th year of the reign of the late King William, intituled, "An Act for the further Limitation of the Crown, and the better securing the Rights and Liberties of the Subjects."

5. Proposals

5.

Proposals, on the same Subject, by the
Scotch Commissioners.

24th April, 1706.

1. That the succession to the Crown of Scotland, in case of failure of heirs of her Majesty's body, shall be established upon the same persons, mentioned in an act of Parliament, made in England, in the 12th and 13th year of the reign of the late King William, intituled, "An Act for the further Limitation of the Crown, and the better securing of the Rights and Liberties of the Subjects"

2. That the subjects of Scotland shall, for ever, enjoy all rights and privileges, as natives of England, in England, and the dominions thereunto belonging; and reciprocally, that the subjects of England, shall enjoy the like rights and privileges in Scotland.

3. That there be a free communication and intercourse of trade and navigation, between the two kingdoms, and plantations thereunto belonging, under such regulations, as, in the progress of this treaty, shall be found most for the advantages of both kingdoms.

4. That all laws and statutes in either kingdom, contrary to the terms of this Union, be repealed.

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6.

Conditional Agreement of the Commissioners, on these Subjects.

25 April 1706.

That the two kingdoms of Scotland and England be, for ever, united into one kingdom, by the name of Great-Britain ; that the united kingdom of Great-Britain be represented by one and the same Parliament, and that the succession to the Monarchy of the kingdom of Great-Britain (in case of failure of heirs of her Majesty's body) shall descend upon the most excellent princess Sophia, Electress and Duchess Dowager of Hanover, and remain to her and the heirs of her body, being Protestants, to whom the succession to the Crown of England is provided, by an act made in the 12th and 13th year of the reign of the late King William, intituled " An act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects, and excluding all Papists, and who shall marry Papists, in the terms of the said Act ;" with this provision, " That all the subjects of the united kingdom of Great-Britain shall have full freedom and intercourse of trade and navigation, to and from any part or place within the said united kingdom, and plantations thereunto belonging ; and there be a communication of all other privileges

“vileges and advantages, which do, or may be-
“long to the subjects of either kingdom.”

The Commissioners for England are of opinion, that the provision added by the Commissioners for Scotland to the proposal made by the Commissioners for England, upon the 22d instant, is a necessary consequence, for an intire Union; and therefore they do agree to the said provision, under such terms, as in the further progress of this treaty, shall be found to be for the common advantage of both kingdoms.

7.

Proposals by the English Commissioners,
on the Duties of Customs and Regu-
lation of Trade, and Answers of the
Scotch Commissioners.

29 April, 1706.

The Commissioners for England, propose,

That there be the same customs, excises, and
all other taxes; and the same prohibitions, re-
strictions, and regulations of trade, throughout the
united kingdom of Great-Britain.

2. The Commissioners for Scotland do agree,
that all parts of the united kingdom of Great-
Britain

Britain be under the same regulations, prohibitions, and restrictions, and liable to equal impositions, and duties, for export and import; but in regard several of the funds, relating to the customs, are already appropriated, for the payment of debts properly belonging to England, it is proposed, that an equivalent be allowed for them.

The Commissioners for Scotland do also agree, that all the subjects of the united kingdom shall be liable to equal land taxes, or taxes upon the pound-rent, providing the proportion for Scotland shall only be 12,000*l.* when 1*s.* is imposed on the pound-rent on England; so that 48,000*l.* in Scotland shall be reckoned equal to the 4*s.* aid now imposed on England, and so proportionable, and to be raised in the same manner now used in Scotland, and free of all charges.

The private rights of corporations and companies are reserved to be considered in the course of this treaty.

The Commissioners for Scotland do propose, that neither of the kingdoms be burthened with the debts of the other, contracted before the Union.

8.

Proposals of the Commissioners for England and Scotland, on the Duties of Excise ; Explanation by those of Scotland and England ; and Specification of the temporary Exemptions to Scotland.

10 May, 1706.

The Commissioners of England observing, that there must be an equality of customs, excises, and all other taxes, throughout the united kingdom of Great-Britain, do think it necessary, to insist upon their said proposal, as that without which there cannot be an entire Union between the two kingdoms ; of which they are so desirous, on their parts ; that they are ready to agree to an equivalent, for what Scotland shall be taxed, towards payment of the debts of England, in all particulars whatsoever.

The Commissioners for Scotland, do agree to the equality of excises on ale, beer, mum, cyder, sweets, perry, low wines, aquavitæ, and spirits ; but they do propose an exemption from all other burthens and excises, within Scotland, for a competent time, to be adjusted in the course of this treaty, that the subjects of Scotland may (by the benefit arising from the communication

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of trade) be put in a capacity to bear a proportion of other burthens and excises, being willing, at the commencement of the Union, to bear excises, on all that is exported from Scotland to England, or the Plantations: And the Commissioners for Scotland do hope, that the Commissioners for England will be convinced, that the immunity, from these other burthens and excises, for a term of years, is consistent with an entire Union, and will not put the trade on an unequal foot, when the present circumstances of both kingdoms are duly considered.

And whereas the Commissioners for England did, by their proposal, declare they were ready to agree to an equivalent, for what Scotland shall be taxed in, towards the payment of the debts of England, in all particulars whatsoever, the Commissioners for Scotland are ready to enter with them into the consideration of this equivalent, and how to make it effectual.

The Commissioners for England, taking into consideration the proposal made by the Commissioners for Scotland, on the 13th instant, "That
" the kingdom of Scotland should be, for a
" competent time, exempted from all excises and
" burthens, other than such as have been agreed
" unto by the Commissioners for Scotland;" have, in order to comply with the said proposal, so far as can be done without prejudice to the trade and manufactures of England, distinctly enumerated and considered the several excises and burthens, which are now payable, by virtue of the
divers

divers acts of Parliament in England, and which have not yet been agreed to by the Commissioners for Scotland, and do find the same to consist of the particulars, which are hereafter mentioned.

1. The duty on stamped paper, vellum, and parchment, one moiety whereof expires on the first of August, 1710:—The Commissioners for England do consent, that the kingdom of Scotland be exempted from the whole duty, until the first of August, which shall be in the year of our Lord, 1710.

2. The duty on births, marriages, and burials, which being to expire the 1st of August next, and therefore before the desirable Union can take place:—The Commissioners for England do conceive it to be wholly unnecessary, to enter further into the consideration of that duty.

3. The duty payable on windows and lights, till the first of August, 1710:—The Commissioners for England are of opinion, that the kingdom of Scotland shall be exempted from the said duty, during that term.

4. The Duty on coals and culm, payable to the 30th of September, 1710:—As to this duty, the Commissioners for England do consent, that the kingdom of Scotland do remain exempted from the said duty, during the said term, as to all coals and culm, consumed within the kingdom of Scotland, and no otherways.

5. The

5. The duty on malt, granted for no longer time than to the 24th of June, 1707:—The Commissioners for England do consent, that the kingdom of Scotland shall remain exempted, during the said term, from the said duty.

6. The duty on salt:—As to this duty, the Commissioners for England, to shew their willingness to ease, for some time, the poor of the kingdom of Scotland, do consent, that the kingdom of Scotland shall, for a competent time after the Union, (to be settled in the progress of this treaty) remain exempt from the payment of that duty, for all salt spent in kind, or used in provisions spent within the kingdom of Scotland: Provided that the Commissioners for Scotland do propose effectual methods to the Commissioners for England, for securing, that the like duties, as are now payable in England, be paid and collected, in the kingdom of Scotland, after the Union, without fraud, as to all salt exported from that kingdom, either in kind or provisions.

The Commissioners for Scotland explained, that they are willing, there to be an equality of excises and burthens on all goods, exported to all places whatsoever, which they agreed to, by their proposal the 9th instant.

And on the 17th, as they explained that they find themselves under a necessity to renew their proposal of a general exemption, for some competent time, from all other excises and burthens, besides those great duties and taxes already consented

sented to, that the subjects of Scotland may, by the benefit of trade, be enabled cheerfully to bear an equality of all other burdens, which will greatly advance a firm Union and coalition of affection and interest, between the two kingdoms.

The Commissioners for England, on the 18th of May, gave as their opinion, That it cannot be supposed the Parliament of Great-Britain will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity, at that time, for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom; and to allow of any supposition to the contrary, would be, to form and set up an unanswerable argument against the Union itself; therefore, the Commissioners for England do desire, that the Commissioners for Scotland would take into their consideration, the several particulars in that paper delivered to them by the Commissioners for England, on the 15th instant, and return such answer to them, as they shall think fit.

The Commissioners for Scotland, on the 21st, explained, as to the several particulars contained in the exemptions, specified by the Commissioners for England, on the 15th and 18th, as follows :

1. As to duties on stamped paper, vellum, and parchment, seeing the exemption from that imposition, can have no influence on trade or manufactures,

nufactures, and that the said duty does affect the securities of the subjects' estates, added likewise a new condition, which being omitted may make their rights and titles void: and further considering, that the said duty will be uneasy to the people, chargeable in collecting, and of small value; the Commissioners for Scotland do propose, that the kingdom of Scotland be wholly exempted from the same, or at least, that the exemption from the said duties, agreed to by the Commissioners for England, in the said paper of the, 15th instant, be prolonged, beyond the year 1710, to a certain period, as to that moiety, which is imposed for perpetuity.

2. As to the other particular duties, which expire in the year 1710, or sooner, from which the Commissioners for England have agreed, that the kingdom of Scotland shall be exempted; the Commissioners for Scotland do understand, that it was the meaning of the Commissioners for England, to extend that exemption to the duty laid on cinders.

3. As to the duty on salt; the Commissioners for England having consented, that the kingdom of Scotland shall, for a competent time, after the Union, remain exempted from the payment of that duty, for all salt spent in kind, or used in provisions, within the kingdom of Scotland, provided that the Commissioners for Scotland should propose effectual methods for securing, that the like duties, as are now payable in England, be paid and collected in the kingdom
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of Scotland, after the Union, as to all salt exported from that kingdom, either in kind or provisions. The Commissioners for Scotland have herewith given in a scheme of such regulations, as have occurred to them, for securing, the duty proposed be collected in Scotland, as to all salt, exported from that kingdom, in kind or provisions, and are willing to agree to what other methods shall be proposed, on that behalf, by the Commissioners for England, and are ready to enter with them on the consideration of the time, to which the said exemption shall be limited; and doubt not, but as the Commissioners for England have agreed to the exemption proposed, from all burthens, or excises now in use, but those consented to by the Commissioners for Scotland, that the Commissioners for England will also agree, that the kingdom of Scotland remain exempted from any duties (except those agreed to) which may be laid on by the Parliament of England, before the Union.

As to the general exemption, formerly proposed on the part of Scotland, from all other burthens, than those consented to, for a competent time, the Commissioners for Scotland, considering what those for England have observed, that it cannot be supposed the Parliament of Great-Britain will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity at that time, for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom: therefore, the Commissioners for Scotland, to avoid

the difficulty that may arise in that matter, do agree, not to insist further at present, but to leave the continuation of the said exemption to be determined by the Parliament of Great Britain.

The Commissioners for Scotland, further proposed, for the effectual preventing the exportation of Scots salt to England, or the Plantations, without paying the same excises, with which English salt is charged, during the exemption allowed to Scotland from the said duty, as follows :

1. That no salt be transported from Scotland to England, by land, under the penalty of forfeiting the salt, and the horses used in transporting it, and the fine of ten shillings, for every bushel of salt so transported ; for which the carrier, as well as the owner, shall be liable, conjunctly and severally ; and the carriers to be imprisoned, until the said penalty be paid.

2. That all salt, water-borne, be entered at a Custom Office ; and that before shipping, there be a report made, expressing to what port the ship or vessel is bound ; and if bound to any port within Scotland, there shall be sufficient security given for the duty, payable in six months, with this condition, that in case a certificate be returned from the Collector or Collectors, where the ship or vessel is bound, that the same quantity was truly, and without fraud, found loaded at the said port or ports, reasonable allowance being made for waste, since the embarkation, then, and in that case,

case, the bond for the duty to become void ; and in case the ship or vessel be bound for England or the Plantations, the excise or duty, chargeable on the like salt in England, shall be presently paid in money, and a transire or certificate, subscribed by the Collector, expressing the quantity of salt entered and the duty paid ; and if any ship or vessel load salt on board, and export the same, without duly reporting, entering, and carrying the said transire or certificate along with him, to be produced at the port of discharge, the ship or vessel unloading shall be confiscated, and the master imprisoned for three months ; and in case of any fraud or connivance in the Collector, or other officers of the custom-house, the said Collector or other officer shall be liable to pay a year's salary, and be deprived of his office.

3. As to provisions ; all fishes and flesh barrelled, for exportation, are appointed to be packed and cured with foreign salt, without any mixture of Scotch or English salt, by the law of Scotland ; which foreign salt falls under the regulation of foreign trade ; and there are no other valuable provisions that can be imported from Scotland : and the Commissioners for Scotland are willing to agree to any further proposal that shall be made, for preventing fraud in importing Scotch salt, or salted provisions.

9.

QUEEN's Speeches to the Commissioners of
both Kingdoms.

21 May, 1706.

My Lords,

I am so much concerned for the Union of the two kingdoms, that I could not satisfy myself without coming, before I went out of town, to see what progress you had made in the treaty, and to recommend very earnestly to you, the bringing it to a happy conclusion, with as much dispatch, as the nature of it will admit; not doubting of the general satisfaction which my subjects of both kingdoms will receive, in finding you overcome all difficulties, to attain so great and public a good.

My Lords,

26 June, 1706.

I am come hither, once more, to see what further progress you have made in this treaty, and to press a speedy conclusion of it, in regard my servants of Scotland cannot, without great inconvenience, be much longer absent from that kingdom.

10.

Explanations by the Commissioners for England, on the Exemptions to be given to Scotland, and on the Proportions of the Land-tax, for each Kingdom, and Answer of the Scotch Comrs.

23 May, 1706.

The Commissioners for England have already consented, that the kingdom of Scotland be exempted from the whole duty on stamped paper, vellum, and parchment, till the 1st of August, 1710, at which time, one part thereof expires; and do now consent, that the kingdom of Scotland shall not be charged with the other part of that duty, during the continuance of that duty, by any act now in force.

And do agree, it was, and is their intent, that the kingdom of Scotland be exempted from the payment of the duty laid on cinders, in such manner as they have before agreed, that the kingdom of Scotland be exempted from the payment of the duty on coal and culm.

And as to the scheme proposed by the Commissioners for Scotland, for securing, that the duty
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on salt, now payable in England, be collected in Scotland, after the Union, as to all salt exported from that kingdom in kind, or provisions; the Commissioners for England have thought it necessary to receive some information, concerning that matter, from the officers principally concerned in the management of that duty; and until the Commissioners for England can be satisfied, concerning the sufficiency of these, or other methods, for the end proposed, they conceive they cannot properly enter with the Commissioners for Scotland on the consideration of the time, to which the exemption of Scotland, from that duty, shall be limited.

And as to the duty which may be laid on, by the Parliament of England, before the meeting of the Parliament of Great Britain, for the service of the year 1707; the Commissioners for England do agree, that the kingdom of Scotland shall not be charged with those duties, upon this consideration, that the Parliament of Scotland do make the necessary provision, for the public charge and service of the year 1707, in that kingdom, provided, that if the Parliament of England shall think fit to lay a further charge on the customs, or those excises, of which the Commissioners for Scotland have agreed to bear equal burdens in such cases; the Commissioners for England propose the kingdom of Scotland be liable to the same customs and excises, having an equivalent to be settled by the Parliament of Great Britain: and, as to the quota of a land-tax, for the kingdom of Scotland, proposed by the Commissioners for Scotland, the Commis-
sioners

tioners for England do agree, that whenever the sum of 1,997,763l. 8s. 4½d. shall be enacted by the Parliament of Great Britain, to be raised in England, on land, and other things, usually charged in acts of Parliament, for granting an aid to the Crown by land-tax, the kingdom of Scotland shall be charged, by the same act, with the further sum of 48,000l. as the quota of that kingdom to such tax, and so proportionably, for any greater or lesser sum, raised on the kingdom of England, by any tax upon land, and other things, usually charged together with the land.

The Commissioners gave for answer, that they do accept the said answer as satisfying, as to the exemption of the kingdom of Scotland, from the duties upon stamped paper, vellum, and parchment, and upon cinders, and as to the quota of land-tax for Scotland.

And as to the article concerning the salt, the Commissioners for Scotland are very well satisfied, that the Commissioners for England take what time they judge needful, for informing themselves, and preparing the most proper methods, for securing what their Lordships proposed; the Commissioners for Scotland being very ready to concur, on their part.

As to the duties which may be laid on, by the Parliament of England, before the meeting of the Parliament of Great Britain, the Commissioners for Scotland do understand, that the said answer is intended by the Commissioners for England, as
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an agreement to the propofal, made by the Commissioners for Scotland, “ That the kingdom “ might remain exempted from all other duties, “ laid on by the Parliament of England, before “ the Union, except thofe consented to ;” and the Commissioners for Scotland do agree, that all neceffary provision fhall be made, within the kingdom of Scotland, for the charge and fervice of that kingdom, during the time that fhall intervene, before the meeting of the Parliament of Great Britain.

And whereas the Commissioners for England do propofe, that, if the Parliament of England fhall think fit, to lay a farther charge on the customs, or thofe excifes, of which the Commissioners for Scotland have agreed to bear equal burdens, in fuch cafes, the kingdom of Scotland be liable to the fame customs and excifes, having an equivalent to be fettled by the Parliament of Great Britain ; the Commissioners for Scotland do confent in the terms propofed.

II.

Proposals of the Scotch Commissioners, on the Subjects of Courts of Justice ; and acceptance of these Proposals by the Commissioners for England.

29th and 30th May, 1706.

The Commissioners for Scotland having already agreed to an equality of customs and excise, upon all exciseable liquors, and to the same regulations of trade, throughout the whole united kingdom, as a consequence thereof, do now agree, that the laws concerning regulation of trade, customs, and excise, upon all exciseable liquors, be the same in Scotland, after the Union, as in England.

But the Commissioners for Scotland do propose, that all other laws, in use within the kingdom of Scotland, do, after the Union, and notwithstanding thereof, remain in the same force as before, but alterable by the Parliament of Great Britain, with this difference, betwixt the laws concerning public right, policy, and government, and those which concern private rights, that the former may be made the same, throughout the whole united kingdom ; but that no alteration be made in the latter, except for evident utility of the subjects, within that part of the united kingdom, now called Scotland. And as to the judicatures, with-

in Scotland, the Commissioners for Scotland do propose, as followeth :

That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges, as before the Union ; subject, nevertheless, to such regulations, for the better administration of justice, as shall be made by the Parliament of Great Britain.

That the Court of Justiciary do also, after the Union, notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted by the laws of that kingdom, with the same authority and privileges, as before the Union ; subject nevertheless, to such regulations, as shall be made by the Parliament of Great Britain ; and without prejudice of other rights of justiciary.

That all other Courts, presently in being, within the kingdom of Scotland, do remain, but subject to alterations by the Parliament of Great Britain ; and that all inferior courts, within the said limits, do remain subordinate, as they now are, to the supreme courts of justice, within the same, in all time coming.

That no causes, in the kingdom of Scotland, be cognizable by the Courts of Chancery, Queen's Bench, Common Pleas, or any other Court in Westminster-Hall ; and that the said courts, or
any

any others of the like nature, after the Union, shall have no power to recognize, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same.

That there be a Court of Exchequer in Scotland, after the Union, for deciding questions, concerning the revenues of customs and excises, having the same power and authority, as the Court of Exchequer has in England ; and that the said Court of Exchequer in Scotland have power of passing signatures, gifts, tutories, and, in other things, as the Court of Exchequer, at present, in Scotland hath ; and that the Court of Exchequer, that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great Britain, in that kingdom, after the Union.

That after the Union, the Queen's Majesty, and her royal successors, may continue a Privy Council in Scotland, for preserving of public order and peace, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

That all heritable offices and jurisdictions, and offices or jurisdictions for life, be reserved to the owners thereof, as right of property, notwithstanding of this treaty, in the same manner as they are now enjoyed by the law of Scotland.

That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire, after the Union, and notwithstanding thereof.

12.

Explanations of the Commissioners for England, on the Subjects of the Duties on Salt and salted Provisions; and answers of the Scotch Commissioners.

5th & 7th June, 1706.

The Commissioners for England having considered the several proposals contained in the paper, delivered the 19th instant, by the Commissioners for Scotland, and being extremely desirous to bring this treaty to a speedy and happy conclusion, do agree to the same, reserving still the consideration of the Courts of Admiralty of Scotland, to the further progress of this treaty.

The Commissioners for England having taken into consideration the proposals, delivered in to them the 21st day of May last, by the Commissioners for Scotland, for the effectual preventing the exportation of Scots salt to England, or the Plantations, without paying the same excises with which English salt is charged, during the exemption allowed to Scotland from the said duty, do give the following answer to the several proposals therein.

1. As to the first article of the said proposal,
viz.

viz. that no salt be transported from Scotland to England, by land, under the penalty of forfeiting the salt, and the horses used in transporting it, and paying ten shillings for every bushel of salt, so transported, for which the carriers, as well as the owner, shall be liable, conjunctly and severally, and the carrier be imprisoned, until the said penalty be paid ;—

The Commissioners for England do agree to the same, with the alterations following, viz. that no salt be transported from Scotland to England, by land, in any manner whatsoever, under the penalty of forfeiting the salt, and the cattle and carriages made use of in transporting it, and paying twenty shillings, for every bushel of such salt, and proportionably, for a greater or lesser quantity, for which the carrier, as well as the owner, shall be liable, conjunctly and severally, and the persons carrying the same to be imprisoned, by any one justice of the peace, by the space of six months, without bail or main-prize, and until the penalty be paid.

2. As to the second article, relating to salt, water-borne, to be carried from port to port in Scotland, and salt exported from Scotland to England or the Plantations ;—

The Commissioners for England, as to that part of it which relates to salt, water-borne, to be carried from port to port in Scotland, do agree to the same.

And

And, as to that part of the said proposal, which relates to salt, exported from Scotland to England, by sea, the Commissioners for England do propose, that there shall be paid in England, for all salt made in Scotland, and imported from thence into England, the same duty upon the importation, as shall be paid for salt made in England, to be levied and secured in the same manner, as the duties on foreign salt are to be levied and secured in England; and, if any other salt, which is not made in Scotland, shall be imported from thence into England, the same to be charged with the duties on foreign salt, imported into England, to be levied and secured in the same manner.

And as to the last part of the said article, relating to salt exported from Scotland to the Plantations ;—

The Commissioners for England do not insist, that any duty ought to be paid for the same, or for salt exported from Scotland to any other foreign place whatsoever, in regard, that upon the exportation of salt from England to the Plantations, or any other foreign parts, the duty, before paid, for the same, is to be repaid.

3. And as to that part of the proposal, which relates to salted fish, exported from Scotland into England ;—

The Commissioners for England do propose, that for all such fish, there shall be paid, in England, upon the importation thereof, such sums of money, as, by the law relating to the duties upon salt

salt in England, are allowed, and re-paid to the exporter thereof, upon exportation of the like fish from England to foreign parts, in regard all salt, used in fish cured, and consumed in England, is liable to duties of the same value; and in case the said fish shall be re-exported from England, the duties paid for the same, upon importation thereof, shall be re-paid.

And, as to all salted fish, exported from Scotland to any other place, the Commissioners for England do not insist, that any duty shall be paid in Scotland, for the salt used therein, in regard, upon the exportation of such fish, from England to any foreign parts, the exporter thereof hath an allowance, out of the duties on salt, of so much money, as the duty of the salt, used in curing such fish, amounts to.

And as to that part of the said article, which relates to salted flesh exported from Scotland, in regard all salted flesh consumed in England, or made use of, for victualling of ships there, or exported from England to parts beyond the seas, is cured with salt, for which the duty on salt is paid in England, and not re-paid, upon exportation of any such flesh from England, and there being so much salt, used in the curing one hundred weight of flesh (each hundred weight being computed at one hundred and twelve pound weight) as the duty thereof, payable in England, amounts to two shillings;—

The Commissioners for England do propose,
that

that there be paid in England, upon the importation of every such hundred weight of flesh, from Scotland, two shillings; and that before such flesh is so exported from Scotland, an entry be made, at the custom-house of the port of exportation, in Scotland, of the quantity of flesh so to be exported, and the port in England, for which the same is bound, and security given, by bond, to her Majesty, at the said port of exportation in Scotland, that the said flesh shall be landed at the port in England, for which the same shall be so entered, or at some other port in England, the danger of the seas and enemies excepted; which bond shall be delivered up, upon producing a certificate from the collectors or officers of the customs of the port of importation in England, that such flesh was landed and left at the said port. And that the duty of two shillings be paid in Scotland, for all salted flesh, made use of, for victualling of ships there, or exported from thence to any other parts, besides England: and that no salted flesh be brought into England, from Scotland, by land, under the penalty of forfeiting the same, or the value thereof, and the cattle and carriages employed in carrying thereof, and of the like imprisonment, as they have before proposed, in case of salt brought from Scotland to England by land.

And if any frauds shall hereafter appear, which are not sufficiently provided against, by the foregoing proposals, the Commissioners for England do propose, the same shall be subject to such further provisions, as shall be thought fit, by the Parliament of Great Britain.

And

And whereas the Commissioners for England did consent, that the kingdom of Scotland should, for a competent time, remain exempted from payment of the duty on salt, for all the salt spent in kind, or used in provisions, spent within that kingdom: the Commissioners for England do now propose, that the kingdom of Scotland shall remain exempt, from payment of that duty, for all salt spent in kind, or used in provisions, within the said kingdom, for the term of seven years, after the Union, upon the Commissioners for Scotland agreeing to the proposals above-mentioned.

7th June, 1706.

The Commissioners for Scotland do agree to the proposal, concerning the effectual preventing the exportation of Scots salt, from Scotland to England, without paying the same excises, with which the English salt is charged, during the exemption allowed to Scotland from the said duty, with the following alterations:

1. As to that part of the second article, viz. that if any salt, which is not made in Scotland, shall be imported to England, from thence, the same to be charged with the duties of foreign salt, imported into England, to be levied and secured in the same manner: The Commissioners for Scotland do understand, that it is not the meaning of the Commissioners for England, by the said proposal, to lay a double duty on foreign salt, exported from Scotland to England, once to be exacted,

at importation of the said salt into Scotland, and the like duty, at the importation into England, from Scotland, but that the foreign salt, imported into Scotland, be charged, at the importation there, with the same duties, after the Union, as the like salt is charged with, being imported into England, to be levied and secured in the same manner: and for further security in that case, the Commissioners for Scotland do propose, that certificates be sent with foreign salt, exported from Scotland into England, from the Custom-Office in Scotland, where the said foreign salt was first imported, to the Custom-Office in England, where the said salt shall happen to be transported, bearing the payment of, or security given for the duties at the said port, under this penalty, that foreign salt, exported from Scotland into England, without such certificates, shall be confiscated.

2. As to the third article, relating to salted fish or flesh, exported from Scotland into England, and salted flesh, made use of for victualling of ships in Scotland, or exported from Scotland to parts beyond the seas: the Commissioners for Scotland do apprehend, that the said articles do only concern such fish and flesh as is cured in whole, or in part, with Scots salt, there being an obvious difference, betwixt the case of these, and of such fish and flesh, exported from Scotland to England, as is wholly cured with foreign salt, in regard, that foreign salt is to pay the like duty, as in England, at importation into Scotland, and therefore ought not to pay a second duty.

And

And the Commissioners for Scotland do propose, that if the duty on salt take place in Scotland, after the expiration of seven years, during which time the exemption is agreed to, that then the kingdom of Scotland shall have an equivalent.

15th June, 1706.

The Commissioners for England having taken into consideration that part of the reply, which relates to the second article in the said answer, concerning salt not made in Scotland, imported from thence into England; the Commissioners for England did not intend, that a double duty should be laid on foreign salt, exported from Scotland to England; and therefore do agree to the proposal in the said reply, that all foreign salt, imported into Scotland, be charged, at the importation there, with the same duties, after the Union, as the like salt is charged with, being imported into England, to be levied and secured in the same manner, and to the farther security, by certificate therein proposed, to be sent with foreign salt, exported from Scotland into England.

And as to that part of the said reply, which relates to the third article in the said answer, touching salted fish or flesh, exported from Scotland into England, and salted flesh made use of, for victualling of ships in Scotland, or exported from Scotland, to parts beyond the seas; it appearing by the said proposal, delivered by the Com-

missioners for Scotland, the 21st May last, that all fish and flesh barrelled in Scotland, for exportation, are, by the law of Scotland, appointed to be packed and cured with foreign salt, without any mixture of Scots salt, the Commissioners for England do not insist on the said third article, in their said answer, provided it be agreed, that all salted fish or flesh, exported from Scotland to England, and all salted flesh made use of, for victualling of ships in Scotland, or put on board, to be exported from Scotland to parts beyond the seas, that shall appear to be salted with Scots salt, or a mixture of such salt, shall be forfeited, and as such, may be seized in England or Scotland.

As to the last part of the proposal of the Commissioners for Scotland, that, if the duty on salt take place in Scotland, after the expiration of seven years, that then the kingdom of Scotland shall have an equivalent; the Commissioners for England do understand, that the equivalent is only to be extended to such part of the duties, as shall be applied to the payment of the debts of England.

21st June, 1706.

The Commissioners for Scotland do agree to the proposal by the Commissioners for England, concerning the duty on salt, with this explanation, as to the last paragraph thereof, about the equivalent; that seeing the whole duties on salt, are already appropriated, for payment of the debts of England,

England, the Commissioners for Scotland do understand, that whenever the duties upon salt shall take place in Scotland, the sums thence arising, will be applicable to the payment of the debts of England, and thereby, there will be an equivalent due to Scotland, for the whole duties to be levied on salt there.

22d June, 1706.

The Commissioners for England having considered the paper concerning salt, delivered by the Commissioners for Scotland, think themselves obliged to inform their Lordships, that the whole duties on salt, are not appropriated, for payment of the debts of England; the duty of 12d. a bushel on salt, though granted to the Crown in perpetuity, is appropriated to the payment of debts, no longer, than till the first of August, 1710.

That the remaining part of the duty on salt, viz. 2s. 4d. a bushel, is granted to the Crown in perpetuity, and is, with other duties, appropriated for payment of £. 160,000 *per annum*, to the East India Company, redeemable by Parliament; and the superplusage above that annual sum, is not appropriated to the payment of the debts of England; and therefore the Commissioners for England do think it necessary for them, to insist upon what was expressed in their paper, delivered by them the 15th instant, that when the duty on salt shall take place in Scotland, the equivalent, which the kingdom of Scotland is to have, ought to be extended only to such part of the duties on salt,

as

as shall be applied to the payment of the debts of England.

25th June, 1706.

The Commissioners for Scotland do agree to the proposal made by the Commissioners for England, concerning the duties on salt, and do not insist upon the explanation proposed by them on the 21st instant, in respect of what is represented in the paper, delivered by the Commissioners for England, on the 22d instant.

The Commissioners for Scotland do propose, it be declared, that the laws and acts of Parliament in Scotland, for pineing, curing, and packing of herrings, white fish, and salmon, for export, beyond seas, with foreign salt only, and for preventing of frauds, in curing and packing of fishes, be continued in force in Scotland, after the Union, but subject to alterations by the Parliament of Great Britain; and that the same easements, premiums, and drawbacks, be allowed, after the Union, for the encouragement of such as shall export fishes from Scotland, beyond the seas, as is now allowed by the laws of England, to such as export the like fishes, from England.

28th June, 1706.

The Commissioners for England having considered the proposal made by the Commissioners for Scotland, the 22d instant, touching the continuance of the laws and acts of Parliament, now in force

force in Scotland, for preventing frauds in pineing, curing, and packing fish in Scotland, do agree to the same; and do likewise agree, that fish exported from Scotland, to parts beyond the seas, after the Union, shall have the same eases, premiums, and drawbacks, as are now allowed, by the laws of England, to such as export the like fish from England.

13.

Proposals of English Commissioners, and
Answers by the Scotch Commissioners,
on the Subject of Admiralty Jurisdictions.

5th and 11th June, 1706.

The Commissioners for England proposed, on the 5th of June, that all Admiralty Jurisdiction be under the Lord High Admiral of Great Britain, or Commissioners for the Admiralty of Great Britain, for the time being; and that appeals from the High Court of Admiralty in Great Britain, be made to the Queen, in the same manner, as is now settled in England.

The Commissioners for Scotland answered, on the 11th, that the Court of Admiralty, now established in Scotland, be continued, and that all reviews, reductions, or suspensions of their sentences, in maritime cases, competent to their jurisdiction, remain in the same manner, after the Union, as
now

now in Scotland, until the Parliament of Great Britain shall make such regulations and alterations, as shall be judged expedient for the whole united kingdom, providing, there be always continued in Scotland a Court of Admiralty, such as is in England, for determination of all maritime cases, relating to private right in Scotland, competent to the jurisdiction of the Admiralty Court.

And the Commissioners for Scotland do further propose, that the heritable rights of Admiralty, and Vice Admiralties, be reserved to the respective proprietors, as rights of property.

The Commissioners for England agree to the proposal, touching the heritable rights of Admiralty and Vice Admiralty in Scotland, with this provision, that these heritable rights, as to the manner of exercising the same, shall be subject to such regulations and alterations, as shall be thought proper to be made by the Parliament of Great Britain.

14. *f*

Proportion ~~respecting~~ ^{*f*} Scotch Peers and
Commoners, to be admitted into the
British Parliament.

7th June, 1706.

The Commissioners for England propose to
the Commissioners for Scotland, that thirty-eight
persons

persons be the number, by which that part of the united kingdom, now called Scotland, shall be represented in the House of Commons, whenever a Parliament shall be called in Great Britain.

14th June, 1706.

The Commissioners for Scotland do find themselves still under an absolute necessity, for bringing to a happy conclusion the Union of the two kingdoms, to insist that a greater number than that of thirty-eight be agreed to, as the representatives for Scotland, in the House of Commons, in a Parliament of Great Britain.

15th June, 1706.

The Commissioners for England, being assured by the Commissioners for Scotland, that there will be found insuperable difficulties, in reducing the representation of Scotland, in the House of Commons of the united kingdom, to thirty-eight members, the number formerly proposed by the Commissioners for England, do, to shew their inclinations to remove every thing that would, of necessity, be an obstruction to the perfecting the Union of the two kingdoms, propose to the Commissioners for Scotland, that forty-five members, and no more, be the number of the representatives, for that part of the united kingdom, now called Scotland, in the House of Commons of the united kingdom, after the intended Union.

And there being an absolute necessity, that the number of Peers, to be admitted into the House of Lords of the united kingdom, for that part of the united kingdom, now called Scotland, be regulated, in proportion to the number to be admitted into the House of Commons, do propose, that sixteen Peers be the quota of Scotland, in the House of Peers of the Parliament of the united kingdom, after the intended Union.

18th June, 1706.

The Earl of Mar, in the name of the Commissioners for Scotland, delivered to the Board, the following answer to the proposal made by the Commissioners for England, the 15th instant;—

The Commissioners for Scotland, having considered the paper delivered by the Commissioners for England, the 15th instant, containing a proposal, that forty-five members be the number of the representatives of that part of the united kingdom, now called Scotland, in the House of Commons of the united kingdom, after the intended Union; and that sixteen Peers be the quota of Scotland, in the House of Peers, in the Parliament of the said united kingdom: and being most desirous to concur in what is further necessary to finish this treaty, and at the same time sensible of the difficulties, on the part of the Commissioners for England, in that matter, do not insist for greater numbers (by virtue of this treaty) of representatives in the House of Peers and the House of Commons, in the Parliament of Great Britain, than those proposed by the Commissioners for
England;

England; providing, that all the Peers of Scotland, and their successors to their honours and dignities, be, from and after the Union, reckoned and declared Peers of Great-Britain, and that they enjoy, in their respective degrees and orders, all other titles, dignities, pre-eminencies, immunities, and privileges, whatsoever, as fully and freely, as the Peers of England do, at present, or the Peers of Britain may enjoy hereafter.

And the Commissioners for Scotland do further propose, that the Peers of Scotland, for that time being, and their successors, do, at and after the Union, according to their different degrees and orders, enjoy the rank and precedence of all Peers to be thereafter created, of the like orders and degrees, in the said united kingdom.

June 19th, 1706.

The Commissioners for England do agree, that all the Peers of Scotland, and their successors to their honours and dignities, be reckoned and declared Peers of Great Britain, and that they enjoy, in their respective degrees, and orders, all other titles, dignities, pre-eminencies, immunities, and privileges, whatsoever, as fully and freely, as the Peers of England do at present, or the Peers of Britain may enjoy hereafter; provided, that no Peer, who shall not then have the right to sit in Parliament, shall be capable of sitting upon the trial of any Peer; and also, that no Peer, not having right to sit in Parliament, shall have privilege of Parliament.

And also, that the Peers of Scotland, for the time being, and their successors, do, at and after the Union, according to their different degrees and orders, enjoy the rank and precedence of all Peers, to be thereafter created, of the like orders and degrees, in the united kingdom; provided always, that it be understood, that all persons, who shall be Peers of England, at the time of the Union, shall for ever enjoy that rank and order of precedence, of their respective degrees, before the same degrees of the Peers of Scotland.

22d June, 1706.

The Commissioners for England agree, that the Peers of Scotland and their successors to their honors and dignities, shall, from and after the Union, be reckoned and declared Peers of Great Britain, and shall be tried as Peers of Great Britain: and shall enjoy the privilege of Peers, as freely as the Peers of England do now enjoy the same, or as they, or any other Peers of Britain, may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of Peers.

They agree, that in case of the trial of any Peer, in time of adjournment or prorogation of Parliament, the said Sixteen Peers shall be summoned, in the same manner, and have the same powers and privileges, at such trials, as any other Peers of Great Britain.

And

And they do further agree, that in case any trials of Peers shall hereafter happen, when there is no Parliament in being, the Sixteen Peers of Scotland, who sat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges, at such trials, as any other Peers of Great Britain.

25th June, 1706.

The Commissioners for Scotland do agree to the last explanation by the Commissioners for England, concerning the privileges of the Peers for Scotland.

15.

Uniformity of Coin, Weights, and Measures.

19th June, 1706.

The Commissioners for England do propose, that from and after the Union, the coin shall be of the same standard and value, throughout the united kingdom, as now in England, and the same weights and measures shall be used, throughout the united kingdom, as are now established in England.

21st June, 1706.

The Commissioners for Scotland do agree to the same, providing, that consideration be had to the

the losses private persons may sustain, in reducing the coin to the same standard, as now established in England: and also provided, that from and after the Union, the mint at Edinburgh be always continued, under the same rules, as the mint in the Tower of London, or elsewhere in the united kingdom; and that the standard of weights and measures, for Scotland, be kept by those boroughs, within that part of the united kingdom, now called Scotland, to whom the keeping of the standards of weights and measures, now in use in Scotland, does, by special right and privilege, belong.

1st July, 1706.

The Commissioners for England do agree to the provisions, contained in the former answer, with this addition, that the weights and measures for Scotland, to be kept in the boroughs of Scotland, to whom the keeping of the same does now belong, be sent down to the respective boroughs, from the standard kept in the Exchequer at Westminster: and that a mint be continued in Scotland, under the same rules as the mint in England, subject to such regulations, as the Parliament of Great Britain shall think fit.

3d July, 1706.

The Commissioners agree to the additions, contained in the paper of the 1st instant, concerning the mint, weights, and measures.

16.

Laws inconsistent with the Union, to cease and determine.

19th June, 1706.

The Commissioners for England propose, that all laws and statutes, in either kingdom, which are contrary to, or inconsistent with the terms agreed on, for uniting the two kingdoms, shall be repealed, and made void.

The Commissioners for Scotland, having considered the above proposal, do agree to the same.

17.

Equivalent to Scotland, for becoming chargeable with Duties, applicable to the payment of English Debts, and annulling the Charter of its Company, trading to Africa and the Indies.

21st June, 1706.

The Commissioners for Scotland propose, that the rights and privileges of the Company of Scotland, trading to Africa and the Indies, established
in

in Scotland, by the 8th act of parliament, 1695, and by the 13 act of parliament, 1701, do continue in force, after the Union; or that, if the privileges of that Company shall be judged inconvenient, for the trade of the rest of the united kingdom, that the private rights of the said Company, in Scotland, be purchased from the proprietors.

25th June, 1706.

The Commissioners of the two kingdoms having appointed a Committee, consisting of a like number of each Commission, for adjusting the equivalent to be allowed to Scotland, for what that kingdom should become liable to answer, towards payment of the debts of England, by reason of their having agreed to bear the same duties of customs and excises, upon all exciseable liquors; and the said Committee having frequently met, and after a full inquiry, having agreed among themselves, and severally reported to their respective Commissions, that the sum of 398,085l. 10s. was the equivalent to be answered to Scotland, according to the proportion which the present customs and excises in Scotland do bear to the customs and excises, upon exciseable liquors in England; and the Commissioners for England having considered and examined the said report, do agree to the said sum.

The Commissioners for Scotland having also insisted, that after the Union, the kingdom of Scotland, becoming liable to the English duties of customs and excises, upon exciseable liquors, as well

well, upon that account, as upon the account of the increase of trade and people, which will be the happy consequence of the said Union, the said two revenues will much improve, of which no present valuation can be made; yet, nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent allowed to Scotland;—The Commissioners for England do agree, that after the Union, there shall be an account kept of the said duties, arising in Scotland, to the end that it may appear, what ought to be allowed to Scotland, as a proportionable equivalent for such proportion of the said increase, according to the calculation aforesaid, as shall be applicable to the payment of the debts of England.

The Commissioners for Scotland having also, by their paper, delivered the 21st instant, proposed, that the rights and privileges of the Company in Scotland, trading to Africa and the Indies, do continue after the Union, or if the privileges of that Company be judged inconvenient for the trade of the united kingdom, that the private rights of the said Company, in Scotland, be purchased from the said proprietors; the Commissioners for England, in answer thereto, say, they are of opinion, that the continuance of that Company is inconsistent with the good of trade in the united kingdom, and consequently against the interest of Great Britain; and therefore they insist, that it ought to be determined. But the Commissioners for England, being sensible that the misfortunes of that Company have been the occasion of misunderstandings and unkindnesses, between the two kingdoms; and

thinking it to be above all things desirable, that, upon the Union of the kingdoms, the subjects of both may be intirely united in affection, do therefore wish, that regard may be had to the expences and losses of the particular members of the said Company, in the manner hereafter mentioned; and they hope, when the Commissioners for Scotland have considered, how generally that undertaking was entered upon in Scotland, and consequently, how universal that loss was, they will readily agree to the proposal.

The Commissioners for England do also think it of much consequence to England, that it should be agreed, in this treaty, after what manner the equivalent (which will amount to a great sum, payable upon and after the Union) is to be paid and applied; and being extremely desirous to bring the treaty to a speedy conclusion, and in order to that, as soon as may be, to settle and fix the matter of the equivalent, and the application thereof, do agree as follows, and do also make the following proposals to the Commissioners for Scotland.

The Commissioners for England do agree, that upon compleating the Union, the said sum of 398,085*l.* 10*s.* being agreed upon, as the equivalent for Scotland, shall be granted to her Majesty, for that use.

The Commissioners for England do also agree, that, upon the account to be kept as aforesaid, of the improvement of the revenue of customs
and

and excises upon exciseable liquors, in Scotland, after the Union, there shall be answered to Scotland an equivalent, in proportion to such part of the said increase, as shall be applicable to the payment of the debts of England.

The Commissioners for England do also agree, that an equivalent shall be answered to Scotland, for such other parts of the English debts, as that kingdom may, hereafter, become liable to pay, by reason of the Union.

The Commissioners for England do propose, for the further and more effectual answering the several ends, hereafter mentioned and proposed, that, from and after the Union, the whole increase of the revenue of customs and excises upon exciseable liquors, in Scotland, over and above what the said revenues do now yield, shall go and be applied, for the term of seven years, to the uses hereafter-mentioned.

And upon the said agreements and proposal, the Commissioners for England do further propose, that her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing the said sum of 398,085l. 10s. to be granted, as aforesaid, and also of all other monies, which shall arise upon the agreements and proposal aforesaid, to the purposes following: 1. That out of the said sum of 398,085l. 10s. all the public debts of the kingdom of Scotland, and also the capital stock or fund of the African and Indian Company of Scotland, together

with the interest, for the said capital stock, after the rate of five per cent. per annum, from the respective times of payment thereof, shall be paid; and that, immediately upon such payment of the said capital stock and interest, the said Company shall be dissolved, and shall cease: provided, nevertheless, that from the time of passing the Act for raising the said sum of 398,085l. 10s. the said Company shall neither trade, nor give licence to trade.

The Commissioners for England do further propose, That after payment of the said public debts, and refunding the said capital stock, in manner aforesaid, the overplus of the said sum of 398,085l. 10s. and also the whole improvement of the revenue of customs and excises, upon exciseable liquors (above the present value), which shall arise, during the term of seven years, from the commencement of the Union, as aforesaid, together with the equivalent which shall become due, upon account of the improvement of the customs and excises on liquors, in Scotland, after the said seven years, and all other sums which, according to the agreement aforesaid, may become payable to Scotland, by way of equivalent, for what that kingdom shall hereafter become liable to answer, for the debts of England, may be applied in the manner following:

26 June, 1706.

The Commissioners for Scotland, do agree to the following additions and explanations.

1. And

1. And first, where the said Commissioners for both kingdoms have agreed, that the sum of 398,085l. 10s. is the equivalent to be answered to Scotland, according to the proportions which the present customs and excise of Scotland do bear, to the customs and excises, upon exciseable liquors, in England; the Commissioners for Scotland do propose, that the accounts and calculations, which lay before the Committee, by which it does appear, from whence the aforesaid sum does arise, be entered in the journal books of this treaty.

And whereas, the Commissioners for both kingdoms have also agreed, that an account be kept of all the duties in Scotland, arising from the customs and excises upon exciseable liquors, beyond the present estimate, to the end it may appear what ought to be allowed to Scotland, as an equivalent to such proportion of the said increase, according to the calculation aforesaid, as shall be applicable for payment of the debts of England; the Commissioners for Scotland do, in like manner, propose, that the calculation of that proportion, which lay before the Committee, be entered in the books of journal of this treaty.

And whereas, the Commissioners for both kingdoms have agreed, that upon compleating the Union, the said sum of 398,085l. 10s. being agreed upon, as the equivalent for Scotland, shall be granted to her Majesty for that use; the Commissioners for Scotland do understand it to be the meaning of the Commissioners for England, that the said sum be granted to her Majesty, in the Parliament of England, at or before ratifying the
treaty,

treaty, and do propose, that the sum be due and payable, from the time of ratification of the Union in both Parliaments.

And whereas it is agreed, on both sides, that her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing of the said sum of 398,085l. 10s. to be granted as aforesaid, and also of all other monies, that shall arise upon the agreements and proposal aforesaid, to the purposes mentioned in the said paper, delivered by the Commissioners for England, on the 25th instant; the Commissioners for Scotland do propose, that the aforesaid Commissioners be not only empowered to call for, receive, and dispose of the aforesaid sum, to the purposes mentioned in the said paper; but further, that the said Commissioners be authorized and empowered to inspect the books of the several collectors of the said revenues of customs and excise, and of all other duties, from whence an equivalent may arise, and that the collectors and managers of the said duties and revenues, be obliged to give to the said Commissioners, subscribed, authentic abbreviats of the produce of the several revenues and duties, arising in their respective districts, on account, where an equivalent may become due to Scotland, which Commissioners shall be obliged to keep books, containing accompts of the amount of the equivalent, and how the same shall be disposed of, from time to time; which books shall be patent for inspection, to all the subjects in Scotland; and that the said Commissioners have their office, within the limits of the said kingdom of Scotland.

3d July,

3d July, 1706.

The Commissioners for England do agree, concerning the accounts and calculations, from whence the equivalent did arise, being entered into the journal books of this treaty.

They agree also, to the proposal, concerning the calculation of the proportion of the increase of duties, arising from customs and excises, beyond the present estimate, being entered in the journal books of this treaty.

They agree also, to the proposal in the same paper, that the sum of £398,085 10s. agreed upon to be the equivalent for Scotland, shall be granted to her Majesty, in the Parliament of England, at or before ratifying the treaty; and that the same be due and payable, from the time of ratification of the Union in both Parliaments.

They finally agree to what is further proposed therein, concerning the powers to be given to the Commissioners, for disposing of the equivalent, and the books and office to be kept by the said Commissioners.

18.

Regulations of the Act of Navigation
extended to Scotch Shipping.

21 June, 1706.

The Commissioners for Scotland do propose to the Commissioners, for England, that all ships, belonging to Her Majesty's subjects in Scotland, at the time of the Union (though foreign built), shall be deemed and pass as ships of the build of Great Britain, the owner or owners, within twelve months after the Union, making oath, that the same did belong to him or them, at the commencement of the Union, and does then belong to him or them, and that no foreigner, directly nor indirectly, hath any share or part, or interest therein; which oath shall be made, before the chief officer of the customs, at the port next the abode of the said owner or owners; and the said officer shall be empowered to administer the said oath; and the oath being so administered, shall be attested by the officer who administered the same, and being registered by the said officer, shall be delivered to the master of the ship, for security of her navigation, a duplicate of which register shall be immediately transmitted to the Commissioners of Her Majesty's customs in the port of Edinburgh.

As to ships built in Scotland before, or which shall be built there, after the Union, the Commissioners
for

for Scotland do make no separate propofal, feeing thofe, by the mutual agreements in this treaty, are to be fubject to the fame regulation as in England, and confequently, to the acts of navigation, now in force.

That all fhips, belonging to Her Majefty's fubjects in Scotland, at the time of figning the treaty for the Union of the faid kingdoms, though foreign built, fhall be deemed and pafs as fhips of the build Great-Britain; the owner or owners, within twelve months after the Union, making oath, that the fame did belong to him or them, at the figning the faid treaty, and doth then belong to him or them, and that no foreigner, directly nor indirectly, hath any fhare or part, or intereft therein; which oath fhall be made before the chief officer or officers of the customs, in the port next the abode of the faid owner or owners; and the faid officer or officers fhall be impowered to adminifter the faid oath, and the oath being fo adminiftered, fhall be attested by the officer or officers who adminiftered the fame, and being registered by the faid officer or officers; fhall be transmitted to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be fent to the port of London, to be there entered in the general register of all the trading fhips belonging to Great Britain.

25th June, 1706.

The Commiffioners for Scotland do agree to the alteration made by the Commiffioners for England,

land, touching ships belonging to Her Majesty's subjects of Scotland, with this further explanation; —That all ships, belonging to Her Majesty's subjects of Scotland, at the time of signing this treaty of the Union of the two kingdoms, though foreign built, shall be deemed and pass as ships of the build of Great Britain; the owner, or where there are more owners, one or more of them, within twelve months after the Union, making oath, that the same did belong to him or them, or to some other subject or subjects of Scotland, at the time of signing the said treaty, and doth then belong to him or them, and that no foreigner, directly nor indirectly, hath any share, or part, or interest therein; which oath shall be made before the chief officers of the customs, in the port next the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath, and the oath being so administered, shall be attested by the officer or officers who administered the same, and being registered by the said officer or officers, shall be delivered to the master of the ship, for security of her navigation, and a duplicate thereof shall be transmitted by the said officer or officers, to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered, in a general register of all trading ships belonging to Great Britain.

28th June, 1706.

The Commissioners for England do agree to the further explanation, contained in the paper
of

of the 25th instant, concerning foreign built ships, belonging to Her Majesty's subjects of Scotland, with this addition; that in the oath proposed to be made, by one or more owners of such ship, where there are more owners, the names of all the owners, and the places of their abode, shall be particularly mentioned.

1st July, 1706.

The Commissioners for Scotland having delivered a further explanation of their proposal, delivered on the 22d June, concerning ships belonging to Her Majesty's subjects in Scotland, and the Commissioners for England having agreed to the said explanation, with an addition thereto, the Commissioners for Scotland do now agree to the said addition.

19.

The Seals for Public Acts in the United Kingdom, and the Seals for Private Rights.

22d June, 1706.

The Commissioners for England propose, that, from and after the Union, there be one great seal, for the united kingdom of Great Britain, to be used for sealing writs to elect and summon the Parliament of Great Britain, and for sealing other public & mandatory writs, public acts, or orders

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of

of state, and grants, and such instruments, relating to public justice, policy, & government, as are proper to be sealed with a great seal; yet nevertheless, a seal in Scotland shall, after the Union, be always kept, and made use of, in all things relating to private rights and justice, in the same manner as the great seal is, at this time, used; but subject to such regulations, as the Parliament of Great Britain may hereafter make; and until such seal shall be provided, the great seal of Scotland shall be used, as at this time, in all things relating to private rights and justice,

28th June, 1706.

The Commissioners for Scotland do agree, that there shall be a great seal for the united kingdom of Great Britain, to be used for sealing writs, to elect and summon the Parliament of Great Britain, and for sealing all treaties with foreign princes and states, and all public writs and orders of state, which concern the whole united kingdom. That the great seal of the united kingdom be different from the great seals now used in either kingdom; and that the quartering the arms, as may best suit the Union, be left to Her Majesty; and that, in the mean time, the great seal of England be used, as the great seal of the united kingdoms. That a seal in Scotland, after the Union, be always kept and made use of, in all things relating to private rights or grants, which have usually passed the great seal of Scotland, and which do only concern offices, grants, commissions, and private rights, within that kingdom; and the privy seal,

seal, signet, signet of the justiciary court, quarter seal, and other seals of courts, now in use in Scotland, be continued; but that the same be altered and adapted to the state of the Union, as Her Majesty shall think fit; and that the said seals, and all of them, and the keepers of them, shall be subject to such regulations, as the Parliament of Great Britain shall hereafter make.

3d July, 1706.

The Commissioners for England do agree to the same,

20.

Progress of Writs, to be issued for calling the British Parliament.

28th June, 1706.

The Commissioners for Scotland do propose, that upon calling the first Parliament of Great Britain, and until the said Parliament shall make further provision therein, the following method be used, in summoning the members from Scotland, to attend in both Houses of Parliament of Great Britain, viz. That a writ, under the great seal of the united kingdom, be issued out, for summoning the said members; and that the said writ be directed to such court, officer, or office, and to be

be executed and returned in such manner, as in the Parliament of Scotland shall be settled, at or before ratifying the treaty.

3d July, 1706.

The Commissioners for England propose, that upon calling the first Parliament of Great Britain, and until the said Parliament shall make further provision therein, the following method be used:

That a writ do issue, under the great seal of the united kingdom, directed to the Privy Council of that part of the united kingdom, now called Scotland, commanding them to cause sixteen Peers, who are to sit in the House of Lords, to be summoned to Parliament, and forty-five members, to be elected to sit in the House of Commons of the Parliament of the united kingdom of Great Britain, according to the agreements between the two kingdoms in this treaty, in such manner, as in the Parliament of Scotland shall be settled, at or before the ratifying of the treaty; and that the names of the persons, so summoned and elected, shall be returned by the Privy Council of Scotland, into the court, from whence the said writ did issue.

4th July, 1706.

The Commissioners for Scotland agree to the said proposals.

Armorial

21.

Armorial Bearings of the United Kingdom.

28th June, 1706.

The Commissioners for Scotland propose, for removing of national distinctions between the two kingdoms, after the Union, that the crosses of S^t. Andrew and S^t. George be conjoyned, when used in flags, banners, standards, and ensigns, both at sea and land.

3d July, 1706.

The Commissioners for England agree, that the crosses of S^t. George and S^t. Andrew be conjoyned; with this addition, that the manner of conjoyning the said crosses be left to Her Majesty, and that the ensigns armorial of the united kingdom, be such as Her Majesty shall appoint.

4th July, 1706.

The Commissioners for Scotland agree to the said addition.

Period

Period of the Commencement of the
Union.

11th July, 1706.

The Commissioners for England propose, that the Union of both kingdoms shall take place. upon the first day of May, 1707; and that if Her Majesty, on or before the said first day of May, shall declare, under the great seal of England, that it is expedient, that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective Houses of the first Parliament of Great Britain; and Her Majesty may, by her royal proclamation, under the great seal of Great Britain, appoint the said first Parliament of Great Britain, to meet at such time and place, as Her Majesty shall think fit, which time shall not be less than forty-two days after the date of such proclamation; and the time and place of the meeting of such Parliament being so appointed, a writ shall be immediately issued, under the great seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the sixteen Peers, and

and for electing forty-five members, by whom Scotland is to be represented in the Parliament of Great Britain ; and the Lords of Parliament of England, and the sixteen Peers of Scotland (such sixteen Peers being summoned and returned in the manner agreed in this treaty) and the members of the House of Commons of the said Parliament of England, and forty-five members for Scotland (such forty-five members being elected and returned, in the manner agreed in this treaty) shall assemble and meet, respectively, in the respective Houses of the Parliament of Great-Britain, at such time and place, as shall be so appointed by Her Majesty, and shall be the two Houses of the first Parliament of Great Britain ; and that Parliament may continue for such time only, as the present Parliament of England might have continued, if the Union of the two kingdoms had not been made, unless sooner dissolved by Her Majesty.

And, That every one of the said sixteen Peers of Scotland, and every one of the said forty-five Members for Scotland, shall, before they sit or vote, in the respective Houses of Parliament of Great Britain, take the respective oaths, and subscribe the Declaration, in the same manner, as the Lords and Members of both Houses of Parliament in England are obliged to take and subscribe, by virtue of any act or acts of Parliament, now in force in England, upon the penalties therein contained.

13th July, 1706.

The Chancellor, in the name of the Commissioners for Scotland, delivered to the Board the following paper, which was read.

The Commissioners for Scotland do agree to the paper delivered by the Commissioners for England, the 11th instant, with this alteration, to the first part of the said paper; that whereas the said Commissioners for England do propose, that the first Parliament of Great Britain be appointed to meet, at such time and place, as her Majesty shall think fit, which time shall not be less than forty-two days, after the date of such proclamation, as in the said proposal is mentioned, the Commissioners for Scotland do propose, that the time for meeting of the said Parliament shall not be less than fifty days, after the date of such proclamation; and as to the second part of the said proposal, they do agree to the same, in the terms following: That every one of the Lords of Parliament of Great Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwise direct, shall, before they sit or vote in the respective Houses of the Parliament of Great Britain, take the respective oaths, appointed to be taken, instead of the oaths of allegiance and supremacy, by an act of Parliament made in England, in the first year of the reign of the late King William and Queen Mary, intituled, *An Act for the Abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths*, and make, subscribe, and audibly repeat the declaration, mentioned in an act of Parliament, made in England in the 30th year of the reign of King Charles the Second, intituled, *An Act for the more effectual preserving the King's Person and Government*,
by

by disabling Papists from sitting in either House of Parliament; and shall take and subscribe the oath mentioned in an act of Parliament, made in England, in the first year of Her Majesty's reign, intituled, *An Act to declare the Alterations in the Oath, appointed to be taken by the Act, intituled, An Act for the further Security of Her Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined*, upon the penalty and disabilities, in the said respective acts contained; and the Commissioners for Scotland do further propose, that these words, *the Crown of this Realm*, and the *Queen of this Realm*, mentioned in the oaths and declaration, contained in the aforesaid acts, which were intended to signify the crown and realm of England, may be understood, of the crown and realm of Great Britain, united by the acts of the respective Parliaments, ratifying this treaty, and that the oaths and declaration be taken and subscribed, by the members of both Houses of the Parliament of Great Britain, in that sense.

The Commissioners for England, do agree to these several matters proposed.

Jan. 10th, 1799,
Exd J. Bruce.

APPENDIX, No. LXIV.

SPEECHES of the LORD KEEPER of ENGLAND, and CHANCELLOR of SCOTLAND, and Answer of the QUEEN.

I.

Lord Keeper's Speech.

23d July, 1706.

May it please your Majesty,

We, the Commissioners appointed by your Majesty, in pursuance of the act of Parliament, passed in your kingdom of England, to treat concerning an Union of the two kingdoms, with the Commissioners for Scotland, do (according to our duty) humbly beg leave to present to your Majesty, these, the effects of our continued and faithful endeavours, towards that end.

They are the articles agreed upon, between your Commissioners of both kingdoms, as the terms or conditions, upon which the intended Union is to take place, if your Majesty, and the Parliaments

Parliaments of both kingdoms, shall think fit to approve and confirm the same.

In these, we have come to an agreement on every point, we judged necessary to effect a compleat and lasting Union, and we have endeavoured not to stir into any matter, we had reason to think was not so.

And although we have unanimously carried this treaty thus far, purely from a conviction, that we have done therein, to God, your Majesty, and our country's good service; yet we are far from thinking, that what we have done will, or ought to be of any weight or authority elsewhere; but do most entirely submit these our labours, to the high wisdom of your Majesty, and both your Parliaments, to stand or fall by the reason, justice, and public utility, on which they are founded.

Your Majesty's royal presence and seasonable admonitions to us, at the fittest junctures, were (we most thankfully acknowledge) a very great encouragement and assistance to us, in the difficulties we met with.

Your Majesty's glory is already perfect, and the finishing this work is all that is wanting to compleat, as well as secure, the happiness of so great a people, as your subjects may now, without any arrogance, pretend to be.

May your Majesty live, not only to give a sanction of this universal blessing to all your people,

ple, but also to see, in a long and prosperous reign over us; the many immediate (or near) good effects of it; but, as for that great and main consequence of it, for which your Majesty is making, by a most gracious and charitable foresight, this only effectual provision, I mean the continuance of peace and tranquillity in this island, upon a descent of the crown, instead of that bloodshed and distraction which would probably follow, upon the fatal division of it; may we be so happy as never, in our days, to experience the fitness of these measures, your Majesty is now taking for that end! But may late, very late posterity only, in that respect, reap the advantage of them.

2.

Lord Chancellor's of Scotland Speech.

May it please your Majesty,

The Commissioners appointed by your Majesty, for the kingdom of Scotland, to treat of an Union of your two kingdoms of Scotland and England, have commanded me to return your Majesty their most humble and dutiful acknowledgments, for the honour your Majesty, has conferred on them, in employing them to negotiate this most important affair, which is of the greatest consequence to all your Majesty's subjects.

We have endeavoured to discharge this trust with all fidelity, and are now come humbly to lay before

before your Majesty, the articles and conditions of Union, which we have treated of, and agreed upon, and do submit them to your Majesty's royal consideration.

It is a great satisfaction to us, that what we have concluded in this matter, has been done with unanimity; and we must own, that the knowledge we had of your Majesty's great concern for uniting your two kingdoms, and the earnestness with which your Majesty has been most graciously pleased to recommend it, hath enabled us to bring this treaty to a happy and speedy conclusion, to the mutual satisfaction of the Commissioners on both sides; and we shall esteem it our greatest happiness, if what we have prepared, be acceptable to your Majesty, and ratified by the Parliaments of both kingdoms; without which, what we have done can be of no authority.

An Union of the two kingdoms has been long wished for, it being so necessary for establishing the lasting peace, happiness, and prosperity of both nations; and though it has been frequently endeavoured, by your Majesty's royal predecessors, without the desired success, yet the glorious successes, with which God has blessed your Majesty's endeavours, for the happiness of your people, make us hope, that this great work is reserved to be accomplished in your Majesty's reign.

3.

The Queen's Answer.

My Lords,

I give you many thanks for the great pains you have taken in this treaty, and am very well pleased to find, your endeavours and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation in the Parliaments of both kingdoms. I wish therefore, that my servants of Scotland may lose no time, in going down to propose it to my subjects of that kingdom; and I shall always look upon it as a particular happiness, if this Union (which will be so great a security and advantage to both kingdoms) can be accomplished in my reign.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. LXV.

ARTICLES of the UNION, signed and sealed,
by the COMMISSIONERS of ENGLAND and
SCOTLAND.

July 22d, 1706.

I. That the two Kingdoms of *England* and *Scotland* shall, upon the *first day* of *May*, next ensuing the date hereof, and for ever after, be united into one kingdom, by the name of Great Britain; and that the ensigns armorial of the said united kingdom, be such as her Majesty shall appoint, and the crosses of *St. George* and *St. Andrew* conjoined in such a manner, as her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land,

II. That the succession to the Monarchy of the united kingdom of *Great Britain*, and of the dominions thereunto belonging, after her most sacred Majesty, and in default of issue of her Majesty, be, remain, and continue to the most excellent Princess *Sophia*, Electorefs and Dutcheffs Dowager of *Hanover*, and the heirs of her body, being *Protestants*, upon whom the Crown of *England* is settled, by an Act of Parliament made in *England*,

in the twelfth year of the reign of his late Majesty, King *William* the Third, entitled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*: And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial Crown of *Great Britain*, and the dominions thereunto belonging, or any part thereof; and in every such case, the Crown and Government shall, from time to time, descend to, and be enjoyed, by such person, being a *Protestant*, as should have inherited and enjoyed the same, in case such Papists, or person marrying a Papist, was naturally dead, according to the provision, for the descent of the Crown of *England*, made by another Act of Parliament in *England*, in the first year of the reign of their late Majesties, King *William* and Queen *Mary*, entitled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*.

III. That the united kingdom of *Great Britain* be represented, by one and the same Parliament, to be styled the Parliament of *Great Britain*.

IV. That all the subjects of the united kingdom of *Great Britain* shall, from and after the Union, have full freedom and intercourse of trade and navigation, to and from any port or place, within the said united kingdom, and the dominions and plantations, thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do, or may belong
to

to the subjects of either kingdom, except where it is otherways expressly agreed, in these articles.

V. That all ships belonging to her Majesty's subjects of *Scotland*, at the time of signing this treaty for the Union of the two kingdoms, though foreign built, shall be deemed and pass as ships of the build of *Great Britain*, the owner, or where there are more owners, one or more of the owners, within twelve months after the Union, making oath, that at the time of signing the said treaty, the same did belong to him or them, or to some other subject or subjects of *Scotland*, to be particularly named, with the places of their respective abodes, and that the same doth then belong to him or them, and that no foreigner, directly or indirectly, hath any share, part, or interest therein: Which oath shall be made, before the chief officer or officers of the Customs, in the port next to the abode of the said owner or owners; and the said officer or officers shall be impowered to administer the said oath; and the oath being so administered, shall be attested by the officer or officers who administered the same; and being registered by the said officer or officers, shall be delivered to the master of the ship, for security of her navigation, and a duplicate thereof shall be transmitted, by the said officer or officers, to the chief officer or officers of the customs in the port of *Edinburgh*, to be there entered in a register, and from thence to be sent to the port of *London*, to be there entered in the general register of all trading ships, belonging to *Great Britain*.

VI. That all parts of the united kingdom, for ever, from and after the Union, shall have the same allowances and encouragements, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties, on import and export; and that the allowances, encouragements, prohibitions, restrictions, and regulations of trade, and the customs and duties on import and export, settled in *England*, when the Union commences, shall, from and after the Union, take place, throughout the whole united kingdom.

VII. That all parts of the united kingdom be, for ever, from and after the Union, liable to the same excises, upon all exciseable liquors; and that the excise, settled in *England* on such liquors, when the Union commences, take place throughout the whole united kingdom.

VIII. That from and after the Union, all foreign salt, which shall be imported into *Scotland*, shall be charged, at the importation there, with the same duties, as the like salt is now charged with, being imported into *England*, and to be levied and secured in the same manner: But *Scotland* shall, for the space of seven years, from the said Union, be exempted from the paying, in *Scotland*, for salt made there, the duty or excise now payable for salt made in *England*; but, from the expiration of the said seven years, shall be subject and liable to the same duties, for salt made in *Scotland*, as shall be then payable for salt, made in *England*, to be levied and secured in the same manner,

manner, and with the like draw-backs and allowances, as in *England*. And during the said seven years, there shall be paid in *England*, for all salt made in *Scotland*, and imported from thence into *England*, the same duties upon the importation, as shall be payable for salt made in *England*, to be levied and secured in the same manner, as the duties on foreign salt are to be levied and secured in *England*: and that, during the said seven years. no salt whatsoever be brought from *Scotland* to *England*, by land, in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier, as well as the owner, shall be liable, jointly and severally, and the persons bringing or carrying the same, to be imprisoned, by any one justice of the peace, by the space of six months, without bail, and until the penalty be paid; and that, during the said seven years, all salted flesh or fish, exported from *Scotland* to *England*, or made use of for victualling of ships in *Scotland*, and all flesh put on board in *Scotland*, to be exported to parts beyond the seas, which shall be salted with *Scots* salt, or any mixture therewith, shall be forfeited, and may be seized; and that, from and after the Union, the laws and acts of Parliament in *Scotland*, for pining, curing, and packing of herrings, white fish, and salmon, for exportation, with foreign salt only, and for preventing of frauds, in curing and packing of fish, be continued in force in *Scotland*, subject to such alterations, as shall be made by the Parliament

ment of *Great Britain*; and that all fish, exported from *Scotland* to parts beyond the seas, which shall be cured with foreign salt only, shall have the same eascs, premiums, and draw-backs, as are or shall be allowed to such persons as export the like fish from *England*: and if any matters of fraud, relating to the said duties on salt, shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions, as shall be thought fit by the Parliament of *Great-Britain*.

IX. That whenever the sum of one million, nine hundred and ninety-seven thousand, seven hundred and sixty-three pounds, eight shillings and four-pence halfpenny, shall be enacted by the Parliament of *Great-Britain*, to be raised in that part of the united kingdom now called *England*, on land and other things, usually charged in acts of Parliament there, for granting an aid to the Crown, by a land-tax, that part of the united kingdom, now called *Scotland*, shall be charged, by the same act, with a further sum of forty-eight thousand pounds, free of all charges, as the *quota* of *Scotland* to such tax, and so proportionably, for any greater or lesser sum raised in *England*, by any tax on land, and other things, usually charged together with the land; and that such *quota* for *Scotland*, in the cases aforesaid, be raised and collected in the same manner, as the cess now is in *Scotland*, but subject to such regulations, in the manner of collecting, as shall be made by the Parliament of *Great Britain*.

X. That

X. That during the continuance of the respective duties on stamped paper, vellum, and parchment, by the several acts now in force in *England*, *Scotland* shall not be charged with the same respective duties.

XI. That during the continuance of the duties payable in *England*, on windows and lights, which determines on the *first day of August*, one thousand seven hundred and ten, *Scotland* shall not be charged with the same duties.

XII. That during the continuance of the duties, payable in *England* on coals, culm, and cinders, which determines the thirtieth day of *September*, one thousand seven hundred and ten, *Scotland* shall not be charged therewith, for coals, culm, and cinders, consumed there, but shall be charged with the same duties as in *England*, for all coal, culm, and cinders, not consumed in *Scotland*.

XIII. That during the continuance of the duty payable in *England* upon malt, which determines the twenty-fourth day of *June*, one thousand seven hundred and seven, *Scotland* shall not be charged with that duty.

XIV. That the kingdom of *Scotland* be not charged with any other duties, laid on by the Parliament of *England*, before the *Union*, except those consented to in this treaty ; in regard it is agreed, that all necessary provision shall be made by the Parliament of *Scotland*, for the public charge and service of that kingdom, for the year one thousand seven

seven hundred and seven: *Providing nevertheless*, that, if the Parliament of *England* shall think fit to lay any further impositions, by way of customs, or such excises, with which, by virtue of this treaty, *Scotland* is to be charged, equally with *England*, in such case, *Scotland* shall be liable to the same customs and excises, and have an equivalent, to be settled by the Parliament of *Great Britain*. And seeing it cannot be supposed that the Parliament of *Great Britain* will ever lay any sorts of burdens upon the united kingdom, but what they shall find of necessity, at that time, for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom: therefore, *it is agreed*, that there be no further exemption insisted on, for any part of the united kingdom; but that the consideration of any exemptions, beyond what are already agreed on, in this treaty, shall be left to the determination of the Parliament of *Great Britain*.

XV. Whereas, by the terms of this treaty, the subjects of *Scotland*, for preserving an equality of trade, throughout the united kingdom, will be liable to several customs and excises, now payable in *England*, which will be applicable towards payment of the debts of *England*, contracted before the *Union*; *it is agreed*, that *Scotland* shall have an equivalent, for what the subjects thereof shall be so charged, towards payment of the said debts of *England*, in all particulars whatsoever, in manner following, viz. That before the Union of the said kingdoms, the sum of 398,085l. 10s. be granted to

to Her Majesty by the Parliament of *England*, for the uses after-mentioned, being the equivalent to be answered to *Scotland*, for such parts of the said customs, and excises upon all exciseable liquors, with which that kingdom is to be charged, upon the Union, as will be applicable to the payment of the said debts of *England*, according to the proportions, which the present customs in *Scotland*, being 30,000*l. per annum*, do bear to the customs in *England*, computed at 1,341,559*l. per annum*; and which, the present excises on exciseable liquors in *Scotland*, being 33,500*l. per annum*, do bear to the excises, on exciseable liquors, in *England*, computed at 947,602*l. per annum*; which sum of 398,085*l. 10s.* shall be due and payable, from the time of the Union: and in regard that, after the Union, *Scotland* becoming liable to the same customs and duties, payable on import and export, and to the same excises on all exciseable liquors, as in *England*, as well upon that account, as upon the account of the increase of trade and people, (which will be the happy consequence of the Union) the said revenues will much improve, beyond the before-mentioned annual values thereof, of which no present estimate can be made: yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to *Scotland*.—*It is agreed*, that, after the Union, there shall be an account kept of the said duties, arising in *Scotland*, to the end it may appear, what ought to be answered to *Scotland*, as an equivalent for such proportion of the said increase, as shall be applicable to the payment of the debts of *England*. And for the further and more effectual answering the several

ends, hereafter-mentioned, *it is agreed*, that from and after the Union, the whole increase of the revenues of customs, and duties on import and export, and excise upon exciseable liquors, in *Scotland*, over and above the annual produce of the said respective duties, as above stated, shall go and be applied, for the term of seven years, to the uses hereafter-mentioned; and that, upon the said account, there shall be answered to *Scotland*, annually, from the end of seven years, after the Union, an equivalent, in proportion to such part of the said increase, as shall be applicable to the debts of *England*. And whereas, from the expiration of seven years after the Union, *Scotland* is to be liable to the same duties for salt made in *Scotland*, as shall then be payable for salt made in *England*; *It is agreed*, that when such duties take place there, an equivalent shall be answered to *Scotland*, for such part thereof as shall be applied towards payment of the debts of *England*; of which duties an account shall be kept, to the end it may appear what is to be answered to *Scotland*, as the said equivalent; and generally, that an equivalent shall be answered to *Scotland*, for such parts of the *English* debts, as *Scotland* may hereafter become liable to pay, by reason of the Union, other than such, for which appropriations have been made by Parliament, in *England*, of the customs, or other duties on export and import, excises on all exciseable liquors, or salt, in respect of which debts, equivalents are herein-before provided. And as for the uses to which the said sum of 398,085l. 10s. to be granted, as aforesaid, and all other monies, which are to be answered or allowed to *Scotland*, as aforesaid,

aforesaid, *it is agreed*, that out of the said sum of 398,085l. 10s. all the public debts of the kingdom of *Scotland*, and also the capital stock or fund of the *African* and *Indian* Company of *Scotland* advanced, together with the interest for the said capital stock, after the rate of 5l. *per cent. per annum*, from the respective times of the payment thereof, shall be paid: Upon payment of which capital stock and interest, *it is agreed*, the said Company be dissolved and cease; and also, that from the time of passing the act of Parliament in *England*, for raising the said sum of 398,085l. 10s. the said Company shall neither trade, nor grant licence to trade. And as to the overplus of the said sum of 398,085l. 10s. after the payment of the said debts of the kingdom of *Scotland*, and the said capital stock and interest, and also the whole increase of the said revenues of customs, duties, and excises, above the present value, which shall arise in *Scotland*, during the said term of seven years, together with the equivalent which shall become due, upon account of the improvement thereof, in *Scotland*, after the said term; and also, as to all other sums, which, according to the agreements aforesaid, may become payable to *Scotland*, by way of equivalent for what that kingdom shall hereafter become liable, towards payment of the debts of *England*, *it is agreed*, that the same be applied in the manner following, viz. That out of the same, what consideration shall be found necessary to be had, for any losses which private persons may sustain, by reducing the coin of *Scotland* to the standard and value of the coin of *England*, may be made good; and afterwards, the same shall be wholly applied

towards encouraging and promoting the fisheries, and such other manufactories and improvements, in *Scotland*, as may most conduce to the general good of the united kingdom. *And it is agreed*, that her Majesty be impowered to appoint Commissioners, who shall be accountable to the Parliament of *Great Britain*, for disposing the said sum of 398,085l. 10s. and all other monies which shall arise to *Scotland*, upon the agreements aforesaid, to the purposes before mentioned: Which Commissioners shall be impowered to call for, receive, and dispose of the said monies, in the manner aforesaid, and to inspect the books of the several collectors of the said revenues, and of all other duties, from whence an equivalent may arise; and that the collectors and managers of the said revenues and duties, be obliged to give to the said Commissioners, subscribed, authentic abbreviates of the produce of such revenues and duties, arising in their respective districts; and that the said Commissioners shall have their office within the limits of *Scotland*, and shall, in such office, keep books, containing accounts of the amount of the equivalents, and how the same shall have been disposed of, from time to time, which may be inspected by any of the subjects who shall desire the same.

XVI. That, from and after the Union, the coin shall be of the same standard, and value, throughout the united kingdom, as now in *England*, and a mint shall be continued in *Scotland*, under the same rules as the mint in *England*, subject to such regulations, as her Majesty, her heirs, or successors,

successors, or the Parliament of *Great Britain*, shall think fit.

XVII. That from and after the *Union*, the same weights and measures shall be used, throughout the united kingdom, as are now established in *England*; and standards of weights and measures shall be kept, by those boroughs in *Scotland*, to whom the keeping the standards of weights and measures, now in use there, does, of special right, belong: All which standards shall be sent down to such respective boroughs, from the standards kept in the Exchequer, at *Westminster*; subject, nevertheless, to such regulations, as the Parliament of *Great Britain* shall think fit.

XVIII. That the laws concerning regulation of trade, customs, and such excises, to which *Scotland* is, by virtue of this treaty, to be liable, be the same in *Scotland*, from and after the *Union*, as in *England*; and that all other laws, in use, within the kingdom of *Scotland*, do, after the *Union*, and notwithstanding thereof, remain in the same force as before, (except such as are contrary to, or inconsistent with the terms of this treaty) but alterable by the Parliament of *Great Britain*; with this difference, betwixt the laws concerning public right, policy, and civil government, and those which concern private right: that the laws which concern public right, policy, and civil government, may be made the same, throughout the whole united kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the subject, within *Scotland*.

XIX. That the Court of Session, or College of Justice, do, after the *Union*, and notwithstanding thereof, remain, in all time coming, within *Scotland*, as it is now constituted by the laws of that kingdom, and with the same authority and privileges, as before the *Union*; subject nevertheless, to such regulations, for the better administration of justice, as shall be made by the *Parliament of Great Britain*; and that the Court of *Justiciary* do also, after the *Union*, and notwithstanding thereof, remain, in all time coming, within *Scotland*, as it is now constituted by the laws of that kingdom, and with the same authority and privileges, as before the *Union*, subject, nevertheless, to such regulations, as shall be made by the *Parliament of Great Britain*, and without prejudice of other rights of *Justiciary*; and that all *Admiralty jurisdictions* be under the *Lord High Admiral*, or *Commissioners* for the *Admiralty of Great Britain*, for the time being; and that the *Court of Admiralty*, now established in *Scotland*, be continued, and that all reviews, reductions, or suspensions; of the sentences in maritime cases, competent to the jurisdiction of that Court, remain in the same manner, after the *Union*, as now in *Scotland*, until the *Parliament of Great Britain* shall make such regulations and alterations, as shall be judged expedient, for the whole united kingdom, so as there be always continued in *Scotland*, a *Court of Admiralty*, such as is in *England*, for determination of all maritime cases, relating to private rights in *Scotland*, competent to the jurisdiction of the *Admiralty Court*; subject, nevertheless, to such regulations and alterations, as shall be thought proper to be made by the *Parliament of Great*

Great Britain; and that the heretable rights of *Admiralty*, and Vice-Admiralties, in *Scotland*, be reserved to the respective proprietors, as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations, as shall be thought proper to be made by the Parliament of *Great Britain*; and that all other Courts, now in being, within the kingdom of *Scotland*, do remain, but subject to alterations by the Parliament of *Great Britain*; and that all inferior courts, within the said limits, do remain subordinate, as they are now, to the supreme courts of justice, within the same, in all time coming; and that no causes in *Scotland* be cognizable by the Courts of *Chancery*, *Queen's-Bench*, *Common-Pleas*, or any other Court in *Westminster-Hall*; and that the said Courts, or any other of the like nature, after the *Union*, shall have no power to cognize, review, or alter the acts or sentences of the judicatures, within *Scotland*, or stop the execution of the same; and that there be a Court of Exchequer in *Scotland*, after the *Union*, for deciding questions, concerning the revenues of customs and excises there, having the same power and authority, in such cases, as the Court of Exchequer has in *England*; and that the said Court of Exchequer, in *Scotland*, have power of passing signatures, gifts, tutories, and in other things, as the Court of Exchequer at present in *Scotland* hath; and that the Court of Exchequer, that now is in *Scotland*, do remain, until a new Court of Exchequer be settled by the Parliament of *Great Britain*, in *Scotland*, after the *Union*; and that, after the *Union*, the Queen's Majesty, and her royal successors, may
continue

continue a Privy Council in *Scotland*, for preserving of public peace and order, until the *Parliament* of *Great Britain* shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heretable offices, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner, as they are now enjoyed, by the laws of *Scotland*, notwithstanding of this treaty.

XXI. That the rights and privileges of the *royal boroughs* in *Scotland*, as they now are, do remain intire, after the *Union*, and notwithstanding thereof.

XXII. That by virtue of this treaty, of the *Peers* of *Scotland*, at the time of the *Union*, sixteen shall be the number to sit and vote in the House of *Lords*, and forty-five the number of the representatives of *Scotland*, in the House of *Commons*, of the *Parliament* of *Great Britain*; and that when her Majesty, her heirs, or successors, shall declare her or their pleasure, for holding the first or any subsequent *Parliament* of *Great Britain*, until the *Parliament* of *Great Britain* shall make further provision therein, a writ do issue, under the great seal of the united kingdom, directed to the Privy Council of *Scotland*, commanding them to cause sixteen *Peers*, who are to sit in the House of *Lords*, to be summoned to *Parliament*, and forty-five Members to be elected to sit in the House of *Commons* of the *Parliament* of *Great Britain*, according to the agreement

ment in this treaty, in such a manner as, by the Parliament of *Scotland*, shall be settled, before the *Union*; And that the names of the persons, so summoned and elected, shall be returned by the *Privy Council* of *Scotland*, into the court from whence the said writ did issue: And that, if her Majesty, on or before the first day of *May* next, on which day the *Union* is to take place, shall declare, under the great seal of *England*, that it is expedient, that the Lords of Parliament of *England*, and Commons of the present Parliament of *England*, should be the Members of the respective Houses of the first *Parliament* of *Great Britain*, for, and on the part of *England*, then the said Lords of *Parliament* of *England*, and Commons of the present Parliament of *England*, shall be the Members of the respective Houses of the first Parliament of *Great Britain*, for, and on the part of *England*: And her Majesty may, by her royal proclamation, under the great seal of *Great Britain*, appoint the said first *Parliament* of *Great Britain* to meet, at such time and place, as her Majesty shall think fit; which time shall not be less than fifty days, after the date of such proclamation; and the time and place of the meeting of such Parliament, being so appointed, a writ shall be immediately issued, under the great seal of *Great Britain*, directed to the *Privy Council* of *Scotland*, for the summoning of the sixteen Peers, and for electing forty-five Members, by whom *Scotland* is to be represented, in the Parliament of *Great Britain*: And the Lords of Parliament of *England*, and the sixteen Peers of *Scotland*, such sixteen Peers being summoned and returned in the manner agreed in this treaty; and the Members of the House of

Commons of the said Parliament of England, and the forty-five Members for Scotland, such forty-five Members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively, in their respective Houses of the Parliament of *Great Britain*, at such time and place, as shall be so appointed by her Majesty, and shall be the two Houses of the first *Parliament* of *Great Britain*; and that Parliament may continue, for such time only, as the present *Parliament* of *England* might have continued, if the *Union* of the two kingdoms had not been made, unless sooner dissolved by her Majesty; and that every one of the *Lords* of *Parliament* of *Great Britain*, and every Member of the *House* of *Commons* of the *Parliament* of *Great Britain*, in the first, and all succeeding *Parliaments* of *Great Britain*, until the *Parliament* of *Great Britain* shall otherwise direct, shall take the respective oaths appointed to be taken instead of the *Oaths* of *Allegiance* and *Supremacy*, by an act of Parliament, made in *England*, in the first year of the reign of the late King *William* and Queen *Mary*, intituled, *An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other oaths*; and make, subscribe, and audibly repeat the *Declaration*, mentioned in an *Act* of *Parliament*, made in *England*, in the thirtieth year of the reign of King *Charles* the *Second*, intituled, *An Act for the more effectually preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; and shall take and subscribe the oath, mentioned in an *Act* of *Parliament*, made in *England*, in the first year of her Majesty's reign, intituled, *An Act to declare the Alterations in the Oath,*
appointed

appointed to be taken by the Act, intituled, An Act for the further security of His Majesty's Person, and the succession of the crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors; and for declaring the Association to be determined at such time, and in such manner, as the Members of both Houses of Parliament of England are, by the said respective Acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective Acts contained. And it is declared and agreed, that these words, this realm, the crown of this realm, and the Queen of this realm, mentioned in the Oaths and Declaration, contained in the aforesaid acts, which were intended to signify the Crown and Realm of England, shall be understood of the Crown and Realm of Great Britain; and that, in that sense, the said Oaths and Declaration be taken and subscribed by the Members of both Houses of the Parliament of Great Britain.

XXIII. That the aforesaid sixteen Peers of Scotland, mentioned in the last preceding article, to sit in the House of Lords of the Parliament of Great Britain, shall have all privileges of Parliament, which the Peers of England now have, and which they, or any Peers of Great Britain, shall have after the Union, and particularly, the right of sitting upon the trials of Peers: And in case of the trial of any Peer, in time of adjournment or prorogation of Parliament, the said sixteen Peers shall be summoned, in the same manner, and have the same powers and privileges, at such trial, as

any other Peers of *Great Britain*; and that in case any trials of Peers shall hereafter happen, when there is no Parliament in being, the sixteen Peers of *Scotland*, who sat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges, at such trials, as any other Peers of *Great Britain*; and that all Peers of *Scotland*, and their successors to their honours and dignities, shall, from and after the *Union*, be Peers of *Great Britain*, and have rank and precedence, next and immediately after the Peers of the like orders and degrees in *England*, at the time of the *Union*, and before all Peers of *Great Britain*, of the like orders and degrees, who may be created after the *Union*; and shall be tried as Peers of *Great Britain*, and shall enjoy all privileges of Peers, as fully as Peers of *England* do now, or as they or any other Peers of *Great Britain* may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of Peers.

XXIV. That from and after the *Union*, there be one great seal for the united kingdom of *Great Britain*, which shall be different from the great seal now used in either kingdom; and that the quartering the arms, as may best suit the *Union*, be left to her Majesty; and that, in the mean time, the great seal of *England* be used, as the great seal of the united kingdom; and that the great seal of the united kingdom be used, for sealing writs, to elect and summon the *Parliament* of *Great Britain*, and for sealing all treaties with foreign Princes
and

and states, and all public acts, instruments and orders of state, which concern the whole united kingdom, and in all other matters, relating to *England*, as the great seal of *England* is now used: and that a seal in *Scotland*, after the *Union*, be always kept and made use of, in all things relating to private rights or grants, which have usually passed the great seal of *Scotland*, and which only concern offices, grants, commissions, and private rights, within that kingdom; and that until such seal shall be appointed by her Majesty, the present great seal of *Scotland*, shall be used for such purposes; and that the privy seal, signet, casset, signet of the Justiciary Court, quarter seal, and seals of courts, now used in *Scotland*, be continued; but that the said seals be altered and adapted to the state of the *Union*, as her Majesty shall think fit; and the said seals, and all of them, and the keepers of them, shall be subject to such regulations, as the *Parliament of Great Britain* shall hereafter make.

XXV. That all laws and statutes, in either kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, or any of them, shall, from and after the *Union*, cease and become void, and shall be so declared to be, by the respective Parliaments of the said kingdoms.

Jan. 10th, 1799.
Exd J. Bruce.

APPENDIX, No. LXVI.

LETTER from Her MAJESTY to the PARLIAMENT of SCOTLAND.

3d October, 1706.

Sic subscribitur, ANNE R.

My Lords and Gentlemen,

Since your last meeting, we did nominate Commissioners, to treat of an Union betwixt our two kingdoms of Scotland and England, and by their great care and diligence, a treaty is happily concluded, and laid before us.

We have call'd you together, as soon as our affairs could permit, that the treaty may be under your consideration, in pursuance of the act, made in the last session of our Parliament there, and we hope the terms will be acceptable to you.

The Union has been long desired by both nations; and we shall esteem it as the greatest glory of our reign, to have it now perfected, being fully perswaded, that it must prove the greatest happiness of our people.

An

An intire and perfect Union, will be the solid foundation of lasting peace. It will secure your religion, liberty, and property, remove the animosities amongst yourselves, and the jealousies and differences, betwixt our two kingdoms; it must increase your strength, riches, and trade; and by this Union, the whole island being joined in affection, and free from all apprehension of different interests, will be enabled to resist all its enemies, support the protestant interest, every where, and maintain the liberties of Europe.

We do, upon this occasion, renew the assurances we have formerly given you, of our resolution to maintain the government of the church, as by law established in Scotland; and the acts of both Parliaments, upon which this treaty proceeded, having reserved their respective governments of the church, in each kingdom, the Commissioners have left that matter intire; and you have now an opportunity, of doing what may be necessary, for security of your present church government, after the Union, within the limits of Scotland. The support of our government, and your own safety, does require, that you do make necessary provision, for maintaining the forces, ships, and garrisons, untill the Parliament of Great Britain shall provide for these ends, in the united kingdom.

We have made choice of our right trusty, and right intirely beloved Cousin and Councillor, James Duke of Queensberry, to be our Commissioner, and represent our Royal Person, being
well

well satisfied with his fitness for that trust, from the experience we have of his capacity, zeal, and fidelity to our service, and the good of his country, which, as it has determined us, in the choice, we doubt not but will make him acceptable to you. We have fully instructed him, in all things we think may fall under your consideration, and seems to be necessary, at present; therefore we desire, that you may give intire trust and credit to him.

My Lords and Gentlemen,

It cannot but be an encouragement to you, to finish the Union, at this time, that God Almighty has blessed our arms, and those of our allies, with so great success, which gives us the nearer prospect of a happy peace, and with it, you will have the full possession of all the advantages of this Union; and you have no reason to doubt, but the Parliament of England will do what's necessary, on their part, after the readiness they have shown, to remove what might obstruct the entering on the treaty. We most earnestly recommend to you, calmness and unanimity, in this great and weighty affair, that the Union may be brought to a happy conclusion, being the only effectual way to secure your present and future happiness, and to disappoint the designs of our, and your enemies, who will, doubtless, on this occasion, use their utmost endeavours, to prevent or delay this Union, which must so much contribute to our glory, and the happiness of our people. And so we bid you heartily farewell. Given at our court
at

at Windfir Castle, the 31st day of July, and of our reign, the fifth year.

By her Majesty's command, (*sic subscribitur*)

MAR.

The foresaid letter is directed thus: To the Noblemen, and to the Barons, Commissioners for Shires, and to the Commissioners for Burroughs, assembled in Parliament, in our ancient kingdom of Scotland.

Her Majesties High Commissioner made his speech to the Parliament; as also my Lord Chancellour made his speech: and her Majesty's letter, and the said speeches, were ordered to be printed.

Articles of Union, agreed on, by the Commissioners, nominat on behalf of the kingdom of Scotland, and the Commissioners nominat on behalf of the kingdom of England, presented and read, and ordered to be printed, and copies to be delivered to the Members of Parliament.

Thereafter ordered, That the minutes of the proceedings of the Commissioners of both nations, for the treaty of Union, be likeways printed.

Then, my Lord Chancellour, by order of her Majesties High Commissioner, adjurned the Parliament, till Thursday next, the tenth instant, at ten of the clock in the forenoon.

Extracts, Records of Parlt.
W. Robertson.

Jan. 10th, 1799,
Exd J. Bruce.

APPENDIX No. LXVII.

QUEEN ANNE'S SPEECHES to the ENGLISH
PARLIAMENT on the UNION,
1706-7.

I.

December 3d, 1706.

My Lords and Gentlemen,

In pursuance of the powers vested in me, by Act of Parliament, both in *England* and *Scotland*, I have appointed Commissioners to treat of an Union, between the two kingdoms: and though this be a work of such a nature, as could not but be attended with great difficulties, yet such has been the application of the Commissioners, that they have concluded a treaty, which is, at this time, before the Parliament of *Scotland*; and, I hope the mutual advantages of an entire Union of the two kingdoms, will be found so apparent, that it will not be long before I shall have an opportunity of acquainting you with the success, which it has met with here.

Your meeting, at this time, being later than usual, I cannot conclude, without earnestly recommending

commending to you, to give as much dispatch to the public affairs, as the nature of them will admit; it being of the greatest consequence, that both our friends and our enemies, should be fully convinced of your firmness, and the vigour of your proceedings.

2.

6th March, 1706-7.

My Lords and Gentlemen,

It is with the greatest satisfaction, that I have given my assent to a bill, for uniting *England* and *Scotland* into one kingdom.

I consider this Union, as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and, at the same time, as a work of so much difficulty and nicety, in its own nature, that till now, all attempts which have been made towards it, in the course of above a hundred years, have proved ineffectual; and therefore I make no doubt, but it will be remembered and spoke of hereafter, to the honour of those, who have been instrumental in bringing it to such a happy conclusion.

I desire and expect, from all my subjects, of both nations, that from henceforth, they act with all possible respect and kindness to one another,

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that

that so it may appear to all the world, they have hearts disposed to become one people.

This will be a great pleasure to me, and will make us all quickly sensible of the good effect of this Union.

And I cannot but look upon it as a peculiar happiness, that, in my reign, so full a provision is made for the peace and quiet of my people, and for the security of our religion, by so firm an establishment of the protestant succession, throughout *Great Britain*.

Gentlemen of the House of Commons,

I take this occasion to remind you of making effectual provision for the payment of the equivalent to *Scotland*, within the time appointed by this act; and I am persuaded, you will shew as much readiness in this particular, as you have done in all the other parts of this great work.

3.

24th of April, 1707.

My Lords and Gentlemen,

It is proper for me, before we part, to communicate to you, that I think it expedient, that the Lords of Parliament of *England*, and Commons of the present Parliament of *England*, should
be

be the members of the respective Houses of the first Parliament of *Great Britain*, for and on the part of *England*; and therefore I intend, within the time limited, to publish a proclamation, for that purpose, pursuant to the powers given me by the acts of Parliament of both kingdoms, ratifying the Treaty of Union; and, after we have so fully compleated this great work, I assure myself, that, when you return to your several counties, you will omit no opportunity of making my subjects sensible of the security, and the other great and lasting benefits, they may reasonably expect from this happy Union.

This will conduce very much to make it prove so, and be a good preparation to the success of our next meeting; when, I hope, we shall all join our sincere and hearty endeavours, to promote the welfare and prosperity of *Great Britain*.

Lords Journals, Vol. XVIII.

Jan. 10th, 1799.
Ex^d J. Bruce.

APPENDIX, No. LXVIII.

ACCOUNTS and ESTIMATES of the REVENUES of ENGLAND and SCOTLAND, referred to in the TREATY of UNION.

I.

A STATE of the Revenues and Publick Income of the Kingdom of England, *viz.*

The Revenues appropriated, for the better support of her Majesty's Household, and of the Honour and Dignity of the Crown (by an Act 1 Annæ Reginae) during her Majesty's Life.

The excise of 2s. and 6d. *per* barrel, on beer, ale, &c. excluding 3,700*l.* a week, appro-

Note—In the accounts, as printed in De Foe's Work, the sums total of the different items, in several instances, are made to correspond with the computed sums mentioned in the Articles of Union; but these totals, on examination, were found to be incorrect,—and, in this Appendix, are corrected and placed between crotchets, thus []

Per annum.
£. s. d.

priated thereout, for publick uses, and including so much of the charges of management, as is paid by the Cashier, ac- cording to a <i>medium</i> of three years, last past, amounts to	- 286,178	o	o
The further subsidies of tonnage and poundage, and other du- ties upon wines, goods, and merchandizes, imported (ex- clusive of drawbacks by de- bentures, and allowances for damaged goods, by like me- dium) is	- - - - - 356,841	o	o
The revenue of the General Letter-office, or Post-office, by a like medium, including charges of management, paid by the Receiver, is	- - - 101,101	o	o
The produce of the fines, ari- sing in the Alienation-office, (including the necessary ex- pences of the Court of Chan- cery, and other charges born thereout) is by a medium	- - 4,804	o	o
The past fines, by a reserved rent, on a grant thereof, in be- ing, is	- - - - - 2,276	o	o
The produce of the revenue, arising by wine licences, in- cluding charges of manage- ment, by a medium, is	- - 6,314	o	o
		Sheriffs	

	<i>Per annum.</i>		
	£.	s.	d.
Sheriffs profits, <i>communibus annis</i> , about - - - - -	1,040	0	0
Compositions in Exchequer, by a medium of three years - -	13	0	0
Seizures of uncustomed and pro- hibited goods, the like - -	13,005	0	0
The revenue of the Dutchy of Cornwall, consisting of the cus- tom, coinage, duty of tin, rents of lands, fines of leases, and other revenues, certain and casual amount, to about -	9,869	0	0
The revenue of the Principality of Wales, about - - - -	6,857	0	0
Other revenues arising by rents of lands, and fines of leases, &c. by a medium of what is paid into the Exchequer, in last three years, amount to about -	2,906	0	0
So the total of the revenues, reckoning upon a medium, as aforesaid, and including the said charges of raising the same, is about - - - -	£ 691,240	0	0

The other Publick Income.

Customs and subsidies of ton-
nage and poundage, by several
acts of Parliament, continue
till the 1st August, 1710, and

are

Per annum.

£. s. d.

are appropriated, for discharging such debts or incumbrances, as in the said acts are mentioned; these, excluding drawbacks by debentures, portage-bills, and allowances for damaged goods, and including charges of management paid by the cashier, according to a medium of three years, last past, do produce about - - - -

345,704 0 0

Impositions on wines, vinegar, tobacco, and East-India goods, which continue to the said 1st August, 1710, are appropriated, for discharging of debts, as aforesaid; and, excluding drawbacks by debentures, and allowances for damaged goods, by a like medium, are about - - - -

373,485 0 0

Additional impositions on goods and merchandizes are continued and appropriated, as aforesaid; these (excluding drawbacks and allowances) by a like medium, produce - - - -

39,645 0 0

The duties on coals, culm, and cinders, continued to the 30th September, 1710, are appropriated to such uses, as in the acts of Parliament for the same are mentioned, by a like medium, 113,688 0 0

Per annum.

£. s. d.

The 15*l.* *per cent.* on muslins, and the duties on coffee, tea, spices, pictures, &c. with the additional duties lately imposed thereon, and upon calicoes, china-wares, and unrated drugs, are all granted and continued to the 24th of June, 1710, and appropriated for re-payment of loans with the interest: the former duties, by a medium of the last three years (excluding draw-backs and allowances for damaged goods) produced 42,475*l.* and the new duties are estimated at 74,000*l.* *per annum*, which together is -

116,475 0 0

Twenty-five pound *per cent.* additional duty on French goods, continueth for the residue of a term of twenty-one years, from the 28th February, 1696, is applicable to any uses of the war; and the produce thereof, by a medium of the last three years, (excluding allowances for damaged goods,) is about

10,794 0 0

Five shillings per ton on French shipping, granted the 12th Car. II. is to continue so long, as the duty of fifty sols *per* ton, on English shipping, in France, and three months longer, and

Per annum.

£. s. d.

is applicable to any uses of the war; the medium of the last three years amounts to - -	81	0	0
Plantation duties granted 25th Car. II. on goods carried from one plantation to another, are not particularly appropriated, but applied to the uses of the war; the said medium is - -	877	0	0
Four and a half <i>per cent.</i> in specie, arising in Barbadoes and the Leeward Islands, subject to an annuity, payable to the heirs and assigns of the Earl of Kin-noul, are applied thereunto, and towards the support of these Islands, pursuant to an address of the House of Commons, in that behalf; a medium of the produce of the said duty, by sales thereof, made here in last three years, is - - -	6,459	0	0
Coinage duty (being 10s. <i>per</i> ton on wines imported) is continued to the first of June, 1708, and appropriated to the use of the mint, and by a medium of three years (excluding drawbacks and allowances for damaged wine) is about - -	7,350	0	0
The duties on whale-fins and Scotch linen, continued till the			

Per annum.
£. s. d.

1st of August, 1710, are appropriated, for discharging of loans and other debts (exclusive of draw-backs and allowances for damage) by a like medium may be, - - - - -	10,939	0	0
One-third additional tonnage and poundage, granted for three years, from the 8th March, 1703, and applicable to the repayment of loans and interest; and by another act, continued from the 8th of March, 1706, for 98 years, for payment of certain annuities; the produce thereof, in the year ended at Christmas last (exclusive of drawbacks and allowances for damaged goods) was - - - - -	81,746	0	0
Two-thirds, additional tonnage and poundage, granted for four years, from the 8th of March, 1704, are applicable to the repayment of loans and interest; the produce thereof may be estimated, to be, at least, - -	160,000	0	0
Three thousand seven hundred pounds a week, to be taken out of the hereditary and temporary Excise on beer, ale, &c. is appropriated for payment of interest to divers bankers, and			others,

Per annum.
£. s. d.

others, for monies lent by them to King Charles II. redeemable on payment of a moiety of the principal, and for annuities, for several terms of years - - - - -

192,400 0 0

Nine-pence *per* barrel, Excise on beer, ale, &c. by one act of Parliament, is to continue till the 17th May, 1713; and by another act is granted for a further term of 95 years: the produce is appropriated, in the first place, for satisfying annuities on lottery tickets, which will end at Michaelmas, 1710, and afterwards to the payment of annuities, by a medium of the last three years - - -

164,828 0 0

Another nine-pence, *per* barrel, Excise, made perpetual, for payment of annuities to the Bank of England, and other annuities; this grant, not containing all the duties given by the act, for the 9*d.* last mentioned, will produce, by a like medium, - - - - -

155,000 0 0

And one other 9*d.* *per* barrel, for 99 years, from the 25th of January, 1692, is appropriated to payment of diverse other annuities; the like, - - - - -

155,000 0 0

Duties,

Per annum.
£. s. d.

Duties on low wines, and spirits of the first extraction, continued till the 24th of June, 1710, are appropriated for repayment of loans, with interest; by a medium of the last three years, will make - - 25,267 0 0

Duties on malt, mum, and cyder, have been continued, from year to year, for several years past, and are computed at - - 650,000 0 0

Memorandum: In most years, this Fund proves deficient.

Twelve-pence *per* bushel on salt, granted the 5th of William and Mary, in perpetuity, is appropriated till the first of August, 1710, towards payment of debts and incumbrances (exclusive of draw-backs for salt and fish exported) by the produce of the last year, may be reckoned, 54,621 0 0

Twenty-eight pence, *per* bushel, on salt, granted the 9th of William, in perpetuity, towards payment of annuities, after the rate of 8 *per cent.* to the traders to India; by a like computation, - - - - - 128,038 0 0

Rent of hackney coaches, being 4*l.* *per annum* each, for 700 coaches, continues for the residue of a term of 21 years,

from

	<i>Per annum.</i>		
	<i>£.</i>	<i>s.</i>	<i>d.</i>
from Midsummer, 1694, is applied to the service of the war, and amounts to - - -	2,800	0	0
Licences to Hawkers and Pedlars, continued to the 24th June, 1710, are appropriated towards paying off loans, with interest, and, by a medium of three years, is - - - - -	6,460	0	0
Stamp duties on vellum, parchment, and paper, part whereof continues till the first of August, 1710, and is appropriated for re-payment of loans; the other part is granted in perpetuity, towards payment of annuities to the traders to India, by a medium of three years (excluding allowances for prompt payment) have produced - - - - -	89,110	0	0
The duties on windows, continued to the 1st of August, 1710, for re-payment of loans and other debts, produce about	112,069	0	0
The aid of 4s. in the pound, on land, &c. for the present year, is ascertained at - - -	1,997,763	3	4½
[Total of Income, -	4,900,599	3	4½]
[Total of Revenue, -	791,204	0	0]
[Total of Incomes and Revenue,	5,691,803	3	4½]

Memorandum. The revenues of the First Fruits and Tenths, by an act of the 1st of Queen Anne, were granted for support of the Civil Government; but are not computed here, because they have been since given, in perpetuity, for the augmentation of the maintenance of the poor Clergy; and also the money arising by prizes, with the perquisites of Admiralty, which have been both applied to the uses of the war, are not inserted in this computation, because the said prizes cease with the war, and the Lord High Admiral hath relinquished his droits of Admiralty, for no longer time than the war lasts.

2.

A STATE of the DEBTS of the Kingdom of England, viz. Pricipal Money, borrowed on the several Funds, undermentioned, which remain at this time unsatisfied, that is to say,

	£.	s.	d.
On 3-fourths Customs, granted 3 W. and M. -	21,056	5	1
Additional im- positions, <i>eod.</i> <i>anno,</i> - -	112,474	19	10½

First

	£.	s.	d.
First 4s. aid, 4			
W. and M. -	17,500	0	0
Second quar-			
terly poll, 5			
W. and M. -	34,565	13	1
Stamp-duties,			
<i>ead. anno</i> , -	66,949	7	8½
Third 4s. aid,			
6 W. and M.	53,603	7	3
Duties on mar-			
riages, &c.			
<i>ead. anno</i> , -	62,516	4	0
Fourth 4s. aid,			
7 W. - - -	103,039	0	8
These are provided for, by an act			
of the 8th W. which continues			
several funds therein mention-			
ed, to the 1st of August, 1706,			
	£.	s.	d.
	471,704	17	11½
There also remains, to discharge			
the Exchequer bills, issued by			
virtue of several acts of Parlia-			
ment (over and above 230,000 <i>l.</i>			
computed to be due for interest)			
the principal sum of - - -	534,062	9	8
To satisfy loans on the 3 <i>s.</i> in the			
pound, granted 8 W. (over			
and above 169,000 <i>l.</i> by compu-			
tation for interest), the prin-			
cipal sum of - - - - -	423,098	18	3
To satisfy loans on the duties on			
paper, vellum, &c. granted for			
two years, from the first of			
March, 1696, 8 Will. besides			
	4 <i>b</i>		
			6,160 <i>l.</i>

	£.	s.	d.
6,160 <i>l.</i> by computation for interest, the principal sum of	15,400	0	0
To discharge the malt tickets, issued 8 Will. (besides 254,554 <i>l.</i> for six years interest) the principal sum of	579,000	0	0
To satisfy loans transferred to the duties on leather, granted 8 Will. for three years from 20th April, 1697 (besides about 105,000 <i>l.</i> for interest) the principal sum	504,438	0	0
To satisfy loans on the quarterly poll, granted 9 W. (besides about 730,00 <i>l.</i> for interest, the principal sum of	226,770	17	0
To satisfy loans on the 3 <i>s.</i> in the pound, granted 10 W. (besides about 5,200 <i>l.</i> for interest) the principal sum of	31,271	6	3½
To compleat the payment wanting at Michaelmas, 1701, on the yearly sum of 160,000 <i>l.</i> intended to be paid by the act 9 Will. out of certain duties on salt, and stamped vellum, to the traders to India,	70,872	11	1½
Total of the principal sum	2,856,619	0	3½
And the several computations of interest, at this time, due as above-mentioned, amount to	914	0	0
			These

£. s. d.

These are provided for by an
act, 1 Anne, by continuing se-
veral funds therein-mentioned
to the first of August, 1710, [2,857,533 2 3½]

There is further owing on the
following fund, viz. on low
wines, &c. granted 13 Will.
for five years, the principal
sum of - - - - - 6,674 10 3
Duties on coals, &c. 2 Anne,
for five years, from 1703, - 235,720 4 0
One-third tonnage and pound-
age, *eod. ann.* for 3 years - - 55,230 4 6
Two-thirds ditto, 3 Anne, for
4 years, from 8 March, 1704, 545,957 4 0½
Low wines, &c. *eod. anno*, un-
til 1710, - - - - - 692,000 0 0

These are debts on funds not yet
expired, and which are reck-
oned sufficient to satisfy the
same, - - - - - £.17,535,588 2 9½

And, £. s. d.
On duties on
coals, granted
9 W. for 5
years, - - 16,000 0 0
Two 2s. aid,
11 Wil. - 12,733 6 8
Two-thirds, 3s.
aid, 12 Will. 9,753 12 0
Six, 4s. aid, 1
Anne, - - 42,399 5 0
4 b 2

Subsidies,

£. s. d.

Subsidies, or
capitation
duties, *ead.*

anno, - - 17,384 9 7

The money
resting unsat-
isfied, on de-
bentures, &c.
were charged
on the Irish
forfeitures,

about - - 960,000 0 0

These are deficiencies not yet
provided for by Parliament 1,058,270 13 3

Other Incumbrances, *viz.*

The 9*d.* *per* barrel Excise,
which was granted, for 99 years,
from the 25th January, 1692,
is charged with 124,866*l.* *per*
annum, for annuities, for which
there was contributed 1,492,379*l.*
7*s.* and there being now about
13 years expired, the remainder
of the term may be estimated
to be a present incumbrance of 148,455 0 0

The same 9*d.* *per* barrel is also
charged with 7,567*l.* *per ann.*
for annuities to the Contribu-
tors of 108,100*l.* on the advan-
tage of survivorship, till the
number of the survivors be re-

duced

£. s. d.

duced to seven, and then the share, or seventh part of each of them, as they die, to revert to the Crown: this estate has an uncertain termination, but may be reckoned equal to a term of thirty years, and so be an incumbrance of about

- 104,149 0 0

The 9*d.* *per* barrel Excise, granted in perpetuity, is charged; to wit, two-seventh parts thereof, with 100,000*l.* *per ann.* to the Bank of England for 1,200,000*l.* advanced by them: this is redeemable on payment of the said principal sum, as in the act is mentioned

- 1,200,000 0 0

And the remaining two-sevenths is charged with 15,336*l.* 13*s.* 6*d.* *per ann.* for 176,744*l.* 1*s.* 9*d.* contributed for those annuities, which were at first purchased for one life, and afterwards turned into estates certain, for 90 years, from 25th January, 1702; which, by reason of the small time elapsed, may still be reckoned an incumbrance of

176,000 0 0

And with the sum of 20,030*l.* 1*s.* *per ann.* for such of the contributors of 170,917*l.* 2*s.* 3*d.* for annuities, for two lives, as are now in being; and abating

out

£. s. d.

out of the said contribution money, so much as was paid, for annuities since fallen, the rest is an incumbrance of - 166,917 2 3

And also with 2,093*l.* 10*s.* 4*d.* *per ann.* to such of the contributors of 21,235*l.* 4*s.* for annuities for three lives, as are now in being; and abating out of this contribution, so much as was paid for annuities of 30*l.* since fallen, there rests an incumbrance of - - - - 20,935 0 4

The 9*d* *per* barrel Excise, granted for sixteen years, from the 17th May, 1697, is charged with the payment of 140,000*l.* *per annum*, upon tickets commonly called the Million Lottery tickets, for the residue of a term, which expires at Michaelmas 1710; and the said annuity being valued, for the four years and a half, yet to come, at a rebate of 6 *per cent.* *per ann.* compound interest, is worth - - - - - 538,185 0 0

The 28*d.* *per* bushel, on salt, and the additional stamp-duties, are granted in perpetuity, and charged with the payment of 160,000*l.* *per annum*, to the traders to India, for two millions

advanced

	£.	s.	d.
advanced to the publick, and is redeemable by Parliament, upon paying the said - -	2,000,000	0	0
The 3,700 <i>l.</i> a week, payable out of the hereditary and tempo- rary Excise, is charged with 39,855 <i>l.</i> 16 <i>s.</i> 0½ <i>d.</i> <i>per ann.</i> for bankers and others, who lent 1,328,526 <i>l.</i> to king Charles II. redeemable by Parliament, up- on payment of a moiety of the said principal, which is, - -	664,263	0	0
And with 104,745 <i>l.</i> 10 <i>s.</i> 6½ <i>d.</i> <i>per</i> <i>ann.</i> for 1,569,664 <i>l.</i> 18 <i>s.</i> 6 <i>d.</i> contributed for annuities for 99 years, from Lady-day, 1704, 1,569,664	18	6	
And also, with 46,000 <i>l.</i> <i>per ann.</i> to the contributors of 690000 <i>l.</i> for annuities, for 99 years, from Christmas, 1705. - - -	690,000	0	0
The one-third subsidy, from 8 March, 1706, and the 9 <i>d.</i> <i>per</i> barrel Excise (at present ap- plicable to the payment of the Million Lottery tickets), with an additional supply, till those funds come in, are charged with 184,242 <i>l.</i> 14 <i>s.</i> <i>per ann.</i> to the contributors of 2,855,761 <i>l.</i> 16 <i>s.</i> 2 <i>d.</i> for annuities, for 99			
years, from Lady-day, 1706, [10,134,330	17	3]	

Total, [15,585,722 15 7]

Memo-

Memorandum, That nothing is inserted in this account, as a debt, on any land-tax, or malt duty, which are annual grants, except where any of them have proved deficient.

Memorandum, There is a claim made by the assignee of the Earl of Kinnoul, of 17,250*l.* out of the 4 and a half *per cent.* on account of arrears, on an annuity of 1,000*l.* incurred before her Majesty's accession to the Crown.

3.

A STATE of the Publick Revenue of Scotland, as it now is, and may amount to.

	£.	s.	d.
The Excise on ale and beer is 2 <i>s.</i> sterling, <i>per</i> Scotch gallon, and now farmed, for 33,500 <i>l.</i> sterling, and, if exacted, in the same manner, as in England, may amount to - - - -	50,000	0	0
The Customs have been let at 34,000 <i>l.</i> and are now, in time of war, let for 28,500 <i>l.</i> with a condition in the lease, that, upon a peace, the Lords of the Treasury may let a new lease; and may amount to -	50,000	0	0
			The

	£.	s.	d.
The Crown rents about - -	5,500	0	0
The casualty of superiorities and compositions, at the Ex- chequer, <i>communibus annis</i> , a- bout - - - - -	3,000	0	0
The Post-office, farmed at 1,194 <i>l.</i> but, if collected, may amount to - - - - -	2,000	0	0
The impositions for coinage -	1,500	0	0
Land-tax is now 36,000 pounds, and, to make it equal with the 4 <i>s.</i> <i>per</i> pound, in England, it is proposed to be - - - -	48,000	0	0

£ 160,000 0 0

The debts due to the Army, Civil List, and other charges of Government, about - -	160,000	0	0
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4.

An Account of the Net Annual Produce of the Customs, in England, from a Medium of Three Years, ended at Michaelmas, 1705. With the respective Times or Terms, for which they have Continuance, and the Uses for which they are severally appropriated, or applied, viz.

Neat Money, *per Ann.*

For the Civil Government. £. s. d.

Customs and subsidies of tonnage and poundage, granted 1st Anne, during her Majesty's life - - - - -	253,514 0 0
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Several branches, not appropriated to the payment of debts, *viz.*

Twenty-five <i>per cent.</i> additional duty on French goods, for the remainder of a term of 21 years, from 28 February, 1696, is applied towards the service of the war. - - - - -	10,794 0 0
Coinage duties, continues to the first of June, 1708, and is ap-	

	£.	s.	d.
propriated to the uses of the mint. - - - - -	7,350	0	0
Two-fourths <i>per cent.</i> in specie, from Barbadoes and the Lee- ward Islands, is perpetual, and applied, pursuant to an Ad- dress of the House of Com- mons, towards the support of those Islands, subject also to an annuity of 1000 <i>l.</i> <i>per ann.</i> to the heirs and assignees of the Earl of Kinnoul. - - -	6,459	0	0
Plantation duties upon particu- lar commodities, carried from one plantation to another, 25 Car. II. made perpetual, not appropriated to any particular use - - - - -	877	0	0
	25,480	0	0

These undermentioned are appropriated, for payment of debts, till first August, 1710; though the said debts, charged thereon, will, by computation, be paid off sooner.

The subsidy of tonnage and poundage, granted 12 Car. II.	292,139	0	0
Impositions on wines and vine- gar, granted 2d Jac. II. - -	113,918	0	0
Impositions on tobacco, ditto.	100,338	0	0
4 c 2			Impositions

	£.	s.	d.
Impositions on East India goods, ditto - - - - -	150,899	0	0
Additional impositions on several goods and merchandizes, 4 Will. - - - - -	38,548	0	0
Several impositions and duties on whale finns, and Scotch linen, 9 Will. - - - - -	106,219	0	0

Other appropriated Branches.

Fifteen <i>per cent.</i> on muslin, &c. granted by several former acts, were by an act, 3 Anne, continued to the 24th of June, 1710, and by that act doubled, and several new duties thereby granted, from February 1704, to the said 24th June 1710, and made a fund for borrowing 700,000 <i>l.</i> at an interest of 6 <i>per cent. per ann.</i> ; and so much of the said duties, as is under the management of the Commissioners of the Customs, was estimated, in Parliament, to amount to about, <i>per annum</i> , - - - - -	116,475	0	0
Two-thirds additional tonnage and poundage, 3 Anne, for four years, from the 8th			

March

£. s. d.

March, 1704, are appropriated for re-payment of loans, not exceeding 636,957*l.* 4*s.* 0*½*. with interest, after the rate of 6 *per cent. per annum*; and by an act, 4 Anne, continued, towards payment of annuities till the 30th September, 1710; by the nearest computation that can yet be made, will produce at least - - - -

160,000 0 0

Two-thirds tonnage and poundage granted, 2 Anne, for three years, from 8th March, 1703, and thereby made a fund of credit for 300,000*l.* at an interest, after the rate of 5 *per cent. per annum*; afterwards, 4 Anne, continued for 98 years, from 8th March, 1706, together with 9*d.* *per barrel* Excise, appropriated towards payment of 184,242*l.* 14*s.* *per annum*, in annuities; a medium of the produce thereof, in the 3 years, ended at Michaelmas, 1705, is - - - -

79,619 0 0

Totals for the

Civil Govern-	£.	s.	d.
ment - -	253,514	0	0
Unappropriated	25,480	0	0

Appropriated

	£.	s.	d.
Appropriated for debts to 24th June,	£.	s.	d.
1710, - -	116,475	0	0
For other debts, till 1st August,			
1710, - -	706,471	0	0
For ditto, till 30th Septem- ber, 1710, -	16,0000	0	0
For 98 years, from 8th March, 1706 -	79,619	0	0

Total *per ann.* 1,341,559 0 0

Duties on coals, culm, and cinders, by an act, 1 Anne, continued, from 14th May, 1703, to 15th May, 1708, and thereby charged with 500,000*l.* and interest; by another act, 4 Anne, continued to 30th September, 1710; and appropriated, towards payment of annuities; those duties are collected at the Custom-house, and, by a medium of three years, ended at Michaelmas, 1705, are *per annum*, about - 110,958 0 0

5.

An Account of the Proportions, which the present Customs of Scotland do bear to the several Branches of that Revenue, in England, exclusive of the Increase that may arise by the higher Duties, or greater Importations, after the Union.

	£.	s.	d.	£.	s.	d.
English Customs, [computed at] -	1,341,559	0	0	Scotch Customs	30,000	0
For the Civil Government, -	253,514	0	0	Proportions.	5,669	0
Unappropriated, as to any debts -	25,480	0	0		570	0
Appropriated for debts, till 24th June, 1710,	116,475	0	0		2,605	0
Till 1st August, 1710,	706,471	0	0		15,798	0
						Till

	£.	s.	d.	Proportions.	£.	s.	d.
Till 30th							
Sept. 1710,	160,000	0	0		3,578	0	0
For 89 years,							
from 8th							
March,							
1706, - -	79,619	0	0	-	1,702	0	0
	<u>1,341,559</u>	<u>0</u>	<u>0</u>		<u>[29,922</u>	<u>0</u>	<u>0]</u>

An Account of the neat annual Produce of the Excise on Beer and Ale in England, from a Medium of three Years, ending at Michaelmas, 1705, with the respective Times or Terms, for which the several Branches thereof have continuance, and the uses to which they are severally appropriated, or applied, *viz.*

For the Civil Government.

Two shillings and 6*d.* per barrel, on beer, ale, &c. 15*d.* whereof is to continue, during her Majesty's life, and the other 15*d.* is hereditary; these, during her Majesty's life, are appropriated, towards defraying the charge

of

Per annum.
£. s. d.

of the Civil Government, after a deduction of 3,700*l.* a week, appropriated thereout, for payment of annuities; and, by a medium of three years, ended at Michaelmas 1705, the neat produce into the Exchequer, over and above the said 3,700*l.* a week, will be - - - - -

269,837 0 0

For Annuities and other public Debts.

Three thousand seven hundred pounds a week, to be taken out of the hereditary and temporary Excise, during her Majesty's life, and afterwards out of the hereditary part, for ever, is appropriated, for payment of £.39,855, 16*s.* 0½*d.* *per ann.* to bankers and others, for interest, after the rate of 3*l.* *per cent.* for 1,328,526*l.* lent to K. Charles II. redeemable on payment of a moiety of the said principal, being 664,363*l.* and for payment of £.104,742. 10*s.* 6½*d.* *per ann.* for 99 years, from Lady-day, 1704, for 1,569,664*l.* 18*s.* 6*d.* contributed, for annuities.

Per annum.
£. s. d.

£.46,000 *per ann.* for 99 years,
 from Christmas 1705, for
 690,000*l.* purchase - money,
 contributed for annuities.
 £.190,598. 6*s.* 7*d.* and the rest
 for charges, in paying the said
 annuities. In all - - - - 192,400 0 0

Nine-pence *per* barrel Excise,
 granted 4*W.* for 99 years, from
 25 January 1692, is charged
 with 124,866*l.* *per ann.* for an-
 nuities, for which there was con-
 tributed 1,492,379*l.* 7*s.* and with
 7,567*l.* *per annum*, for 108,100*l.*
 advanced for annuities on the
 advantage of survivorship, by
 a medium of the neat produce
 into the Exchequer, in the said
 three years, is - - - - 150,106 0 0

Another 9*d.* *per* barrel, 5 Will.
 made perpetual, is appropriat-
 ed, as follows, viz.

Five-sevenths thereof, for pay-
 ment of 100,000*l.* *per annum*
 to the Bank of England for
 1,200,000*l.* advanced by them,
 which is redeemable, on pay-
 ing the principal sum, as in the
 said act is mentioned. And

Two-sevenths with 15,336*l.* 3*s.*
 6*d.* *per annum*, for 176,744*l.* 1*s.*
 9*d.* contributed for annuities,

which

Per annum.

£. s. d.

which were at first purchased, for single lives, and afterwards turned into estates certain, for 89 years, from 25th January 1702.

And also, with 230*l.* 1*s.* *per annum*, for 170,917*l.* 2*s.* 3*d.* advanced for annuity for two lives.

And also with 2,093*l.* 10*s.* 4*d.* *per annum* for 21,235*l.* 4*s.* contributed for annuities, for three lives, the produce of the 9*d.* by a medium of the said three years, is - - - - -

150,094 0 0

And one other 9*d.* *per barrel* for 16 years, from 17 May, continued, 4 Anne, from 17th May, 1713, for 95 years, is appropriated for paying 140,000*l.* *per annum*, on Million Lottery tickets, for the remainder of a term of 16 years, which will end at Michaelmas, 1710, and afterwards, towards paying annuities, amounting to 184,242*l.* 14*s.* *per ann.* purchased for 99 years, from Lady-day, 1706. The neat produce of this 9*d.* (which contains some additional duties on brandy, &c. not granted by the two former

4 d 2

acts),

a ^{cts}), from a medium of the said three years, is - - -	159,898	o	o
Low wines and spirits of the first extraction, continued by an act, 4 Anne, from 25th March, 1706, to 24th June, 1710, are appropriated towards re-payment of 700,000 <i>l.</i> au- thorized to be borrowed, as well upon credit of these duties, as upon an additional duty of 15 <i>l. per cent.</i> on muslins, &c. The nett produce hereof, by a like medium, is - - -	25,267	o	o
Total	677,765	o	o

Out of which to be deducted so
much, as by the foregoing
neat produce will be more
than sufficient to pay the above-
mentioned annuities, viz.

	£.	s.	d.
A surplus of the 9 <i>d. per</i> bar- rel, for the re- mainder of 99 years, from 25th Jan. 1692, -	17,673	o	o
A surplus of the 9 <i>d.</i> for the Bank, and others, - -	12,634	o	o

A super-

A superplus of
the Lottery $9d.$
continued for
Annuities, with
the $\frac{1}{3}d.$ subsidy
of tonnage and
poundage, - 55,274 6 0

All which are unappropriated,
and amount to - - - - 85,581 6 0

And then the total of the fe-
veral branches of Excise, ap-
propriated for payment of
debts is, *per ann.* - - - - 592,183 14 0

6.

An Account of the Proportions which the
present Excise upon Liquors, in Scotland,
doth bear to the several Branches of that
Revenue in England, exclusive of the
Encrease, that may arise by the higher
Duties, or greater Consumption, after the
Union.

English Ex- cise <i>per</i> <i>ann.</i> (<i>com-</i> <i>puted at</i>)	Scotch Excise <i>per Ann.</i>					
	£.	s.	d.	£.	s.	d.
	947,602	0	0	23,500	0	0
				For		

	£.	s.	d.	£.	s.	d.
For the Civil						
Government -	269,837	0	0	9,539	0	0
Superplu-						
sages unap-						
propriated	85,581	6	0	3,025	0	0

Appropriated for Debts.

£.3,700 a week, for payment of Annuities for 99 years, and in per- petuity, re- deemable by Parlia- ment,	192,400	0	0	6,802	0	0
Nine-pence <i>per</i> Barrel, for the re- mainder of 99 years, from 25 Jan. 1692,	132,433	0	0	4,682	0	0
Nine-pence <i>per</i> Barrel, for the Bank, &c.	137,460	0	0	4,861	0	0
Nine-pence <i>per</i> Barrel, for payment of Lottery						

Tickets,

APPEN. No. LXVIII. dlxxxiii

	£.	s.	d.	£.	s.	d.
Tickets, and after- wards, for Annuities,	104,623	0	0	14,369	0	0
Low wines, till 24 June, 1710, -	25,267	0	0	893	0	0
	<u>[947,601 6 0]</u>			<u>[44,171 0 0]</u>		

7.

If the Customs of Scotland, now lett at £.30,000
per annum, according to the stating of the
Equivalent, does contribute annually, viz.

	£.	s.	d.
Towards Payment of the Debts of			
England - - - -	23,761	0	0
Civil List - - - -	5,669	0	0
The general Expence, or Charge of the Nation,	570	0	0
	<u>30,000 0 0</u>		

Every

dlxxxiv APPEN. No. LXVIII.

Every 1,000*l.* Encrease on the said Customs, will
contribute to the aforesaid Services, viz.

	<i>£.</i>	<i>s.</i>	<i>d.</i>
Towards Payment of the Debts of			
England - - - -	792	0	0
Civil List - - - -	189	0	0
The General Expence or			
Charge of the Nation	19	0	0
	1,000	0	0

If the Excise of Scotland, now lett at 33,500*l. per*
Ann. according to the stating of the Equivalent,
does contribute annually, viz.

Towards Payment of the Debts of			
England - - - -	20,936	0	0
Civil List - - - -	9,539	0	0
The General Expence or			
Charge of the Nation	3,025	0	0
	33,500	0	0

Every 1,000*l.* Encrease, on the said Excise, will
contribute to the aforesaid Services, viz.

Towards Payment of the Debts of			
England - - - -	625	0	0
Civil List - - - -	285	0	0
The General Expence or			
Charge of the Nation	90	0	0
	1,000	0	0

In

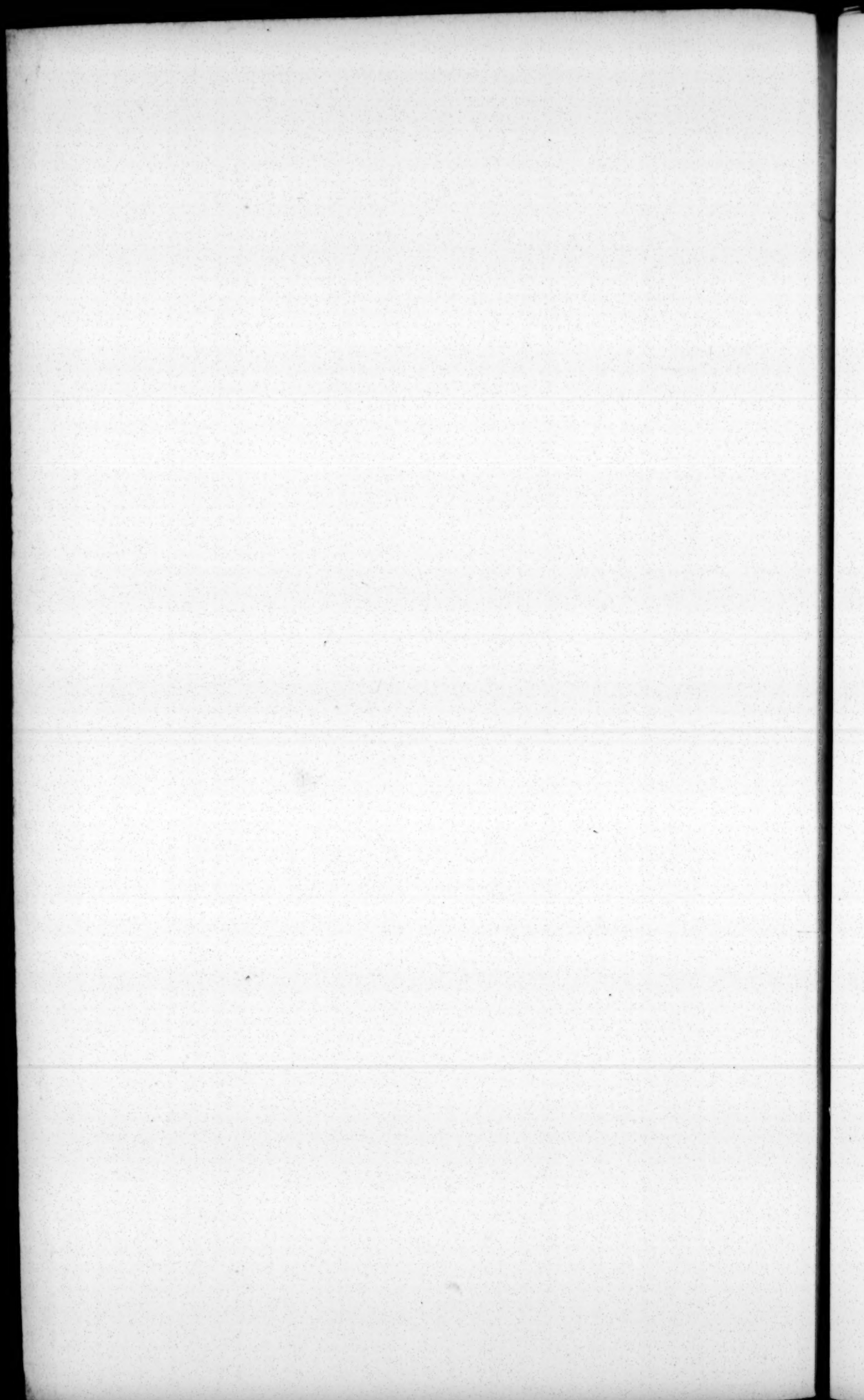
APPEN. No. LXVIII. dlxxxv

In pursuance of the order of the Lords Commissioners of both Kingdoms, on the 22d instant, for signing the books of Journals, the same are accordingly signed, this 25th day of July, 1706, by us,

DAVID NAIRN.

GEO. DODDINGTON.

Jan. 10th, 1799.
Ex^d J. Bruce.



An Account of the Gross Receipt and Net Produce of the Revenues of Customs and Excise
in ENGLAND and in SCOTLAND, in the following Years, distinguishing each Year.

ENGLAND.													
CUSTOMS.						EXCISE.							
	Gross Receipt.			Net Produce.				Gross Receipt.			Net Produce.		
	£.	s.	d.	£.	s.	d.		£.	s.	d.	£.	s.	d.
1791	5,758,500	—	—	3,936,499	—	—		9,310,497	—	—	7,821,461	—	—
1792	5,749,779	—	—	3,962,961	—	—		9,581,784	—	—	8,028,001	—	—
1793	5,327,685	—	—	3,892,692	—	—		8,943,082	—	—	7,633,840	—	—
1794	5,625,316	—	—	3,500,536	—	—		9,433,307	—	—	8,076,110	—	—
1795	6,570,455	—	—	3,499,556	—	—		10,323,282	—	—	8,950,348	—	—
1796	6,119,057	—	—	3,556,919	—	—		10,401,658	—	—	8,715,807	—	—
1797	,065,203	—	—	3,903,313	—	—		11,069,668	—	—	9,438,380	—	—

SCOTLAND.													
CUSTOMS.						EXCISE.							
Gross Receipt.				Net Produce.			Gross Receipt.				Net Produce.		
	£.	s.	d.	£.	s.	d.		£.	s.	d.	£.	s.	d.
1791	287,318	2	11	139,538	8	—	498,411	—	—	—	375,661	—	—
1792	296,039	3	—	113,316	13	8	532,083	—	—	—	461,361	—	—
1793	246,021	17	5	97,830	12	5	469,404	—	—	—	355,282	11	—
1794	216,524	19	5	62,832	16	—	530,585	19	$\frac{1}{4}$	—	413,908	6	$11\frac{3}{4}$
1795	205,540	1	2	70,280	—	9	542,888	16	4	—	422,552	—	1
1796	262,945	5	5	95,776	3	9	558,767	8	8	—	423,785	6	1
1797	274,645	17	4	119,594	3	4	851,775	—	—	—	695,412	16	1

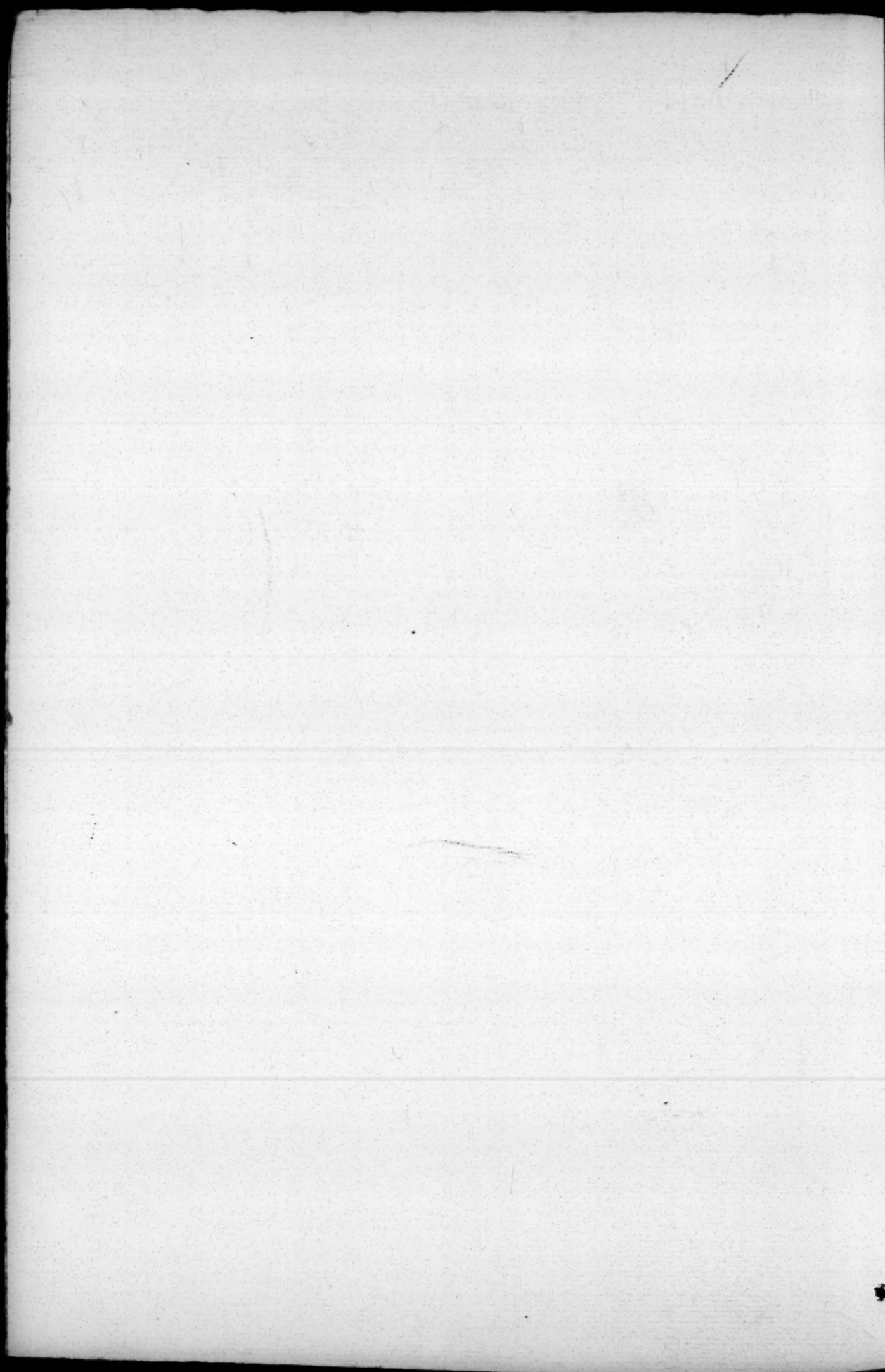
A P P E N D

AN ACCOUNT of the Total Value of the
the following Years, distinguishing e
the FOREIGN MERCHANDIZE exported.

<i>Years.</i>	IMPORTS.			E
	£.	s.	d.	
1755	8,772,865	2	10	
1760	9,832,802	11	1	I
1765	10,980,883	12	2	I
1770	12,216,937	14	3	
1775	13,548,467	10	11	
1780	10,762,240	7	9	
1781	11,918,991	9	—	
1782	9,532,606	19	8	
1783	12,114,644	8	8	
1784	14,119,369	16	6	I
1785	14,899,942	15	7	I
1786	14,610,162	4	7	I
1787	16,335,096	11	9	I
1788	16,551,054	7	7	I
1789	16,408,039	16	6	I
1790	17,442,549	—	9	I
1791	17,688,151	19	10	I
1792	17,897,700	17	7	I
1793	17,823,274	13	10	I
1794	20,844,998	19	7	I
1795	21,468,369	8	1	I
1796	21,462,709	15	5	I
1797	19,520,872	8	6	I

of the IMPORTS into, and EXPORTS from ENGLAND, in
each Year, and the BRITISH MANUFACTURES from
ported.

	EXPORTS.					
	British Manufactures.			Foreign Merchandize.		
	£.	s.	d.	£.	s.	d.
0	7,914,864	3	3	3,150,379	4	6
1	10,980,757	—	6	3,714,033	8	8
2	10,122,031	15	4	4,451,097	10	—
3	9,503,226	19	—	4,764,427	18	5
1	9,728,795	5	3	5,473,570	8	7
9	8,032,692	4	7	4,319,361	19	6
—	7,052,994	17	10	2,719,628	—	5
8	8,605,501	19	—	3,750,198	12	8
8	9,796,114	—	6	4,116,684	15	9
6	11,129,473	5	7	3,674,687	17	8
7	11,074,825	—	—	4,687,268	14	5
7	12,538,735	19	5	3,223,319	3	8
9	11,339,540	13	7	4,445,114	3	3
7	11,937,357	15	10	4,345,801	16	6
6	12,969,818	—	2	5,200,654	7	10
9	14,056,633	9	—	4,828,082	18	10
0	15,896,224	4	6	5,539,235	7	2
7	17,450,612	18	—	6,223,703	—	7
0	13,117,178	2	1	6,248,250	13	11
7	15,863,277	10	2	9,799,994	10	4
1	15,489,751	3	7	10,656,595	14	7
5	17,967,803	10	6	11,228,386	18	1
6	15,865,426	8	2	11,834,462	16	9



APPENDIX, No. LXXI.

An Account of the Value, agreeably to the Estimates in the Books of the INSPECTOR GENERAL of the CUSTOMS, of the Foreign Merchandize, imported into SCOTLAND, and of the Scotch Produce and Manufactures exported from SCOTLAND, in the following Years.

<i>Years</i>	<i>Imports.</i>	<i>Exports.</i>
	£.	£.
1755	465,411	284,700
1760	850,792	437,237
1765	922,401	400,888
1770	1,213,360	510,576
1775	1,267,388	348,667
1780	902,727	780,998
1781	742,910	579,389
1782	702,496	504,256
1783	1,210,370	613,599
1784	1,153,532	777,741
1785	1,379,476	659,546
1786	1,175,910	639,316
1787	1,468,928	744,359
1788	1,476,115	787,362
1789	1,413,062	809,688

<i>Years</i>	<i>Imports.</i>	<i>Exports.</i>
	£.	£.
1790	1,688,337	864,451
1791	1,981,630	913,794
1792	1,761,657	886,238
1793	1,431,842	775,090
1794	1,443,895	862,125
1795	1,268,520	848,461
1796	1,724,610	1,134,416
1797	1,493,084	1,037,676

Note. Anterior to the American war, near one half of the tobacco, raised in Virginia and Maryland, was imported into Scotland; but the American States, since the admission of their independence, having, in a great degree, exported their tobacco, directly to the different markets of consumption, in Europe, the value of the importation into Scotland, and particularly into the port of Glasgow, has been materially affected thereby; but notwithstanding, that city has considerably increased its general trade of late years, and is also now become a great seat of manufactures.

THOMAS IRVING,

Inspector Gen. of the Imports
and Exports of G. Britain.

Inspector Gen. Office,
Custom-House, London,
Jan. 11, 1799.

A P P E N

AN ACCOUNT of the Number of
TONNAGE, including their repeated
Outwards, in the several Ports of
Years.

ENGLAND.

Years.	Inwards.*		Outw
	<i>Vessels.</i>	<i>Tons.</i>	<i>Vessels.</i>
1772	6,008	645,310	8,061
1773	6,414	675,228	7,876
1776	6,218	663,844	8,365
1779	4,321	515,015	5,854
1782	3,569	432,695	5,885
1785	7,627	888,134	9,813
1788	8,451	1,130,284	10,918
1791	9,224	1,200,198	11,373
1792	10,085	1,344,433	11,929
1793	7,887	1,165,332	9,508
1794	9,740	1,303,527	10,226
1795	8,264	1,110,327	8,449
1796	9,869	1,276,697	9,103
1797	7,323	993,950	7,756

* *Note.* In the Coal Trade to Ireland, as
clear out with Cargoes, generally retu
in the Outward, than in the Inward A

of BRITISH VESSELS, with the Amount of their repeated Voyages, which entered Inwards and cleared Ports of ENGLAND and SCOTLAND, in the following

		SCOTLAND.			
Outwards.		Inwards.		Outwards.	
Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
061	822,008	1,690	112,492	1,347	95,803
876	771,774	1,845	120,805	1,520	102,268
365	770,021	1,917	101,376	1,581	95,087
854	572,297	1,041	68,689	978	70,684
885	563,277	1,104	71,210	1,021	60,366
813	951,855	1,911	134,033	1,517	85,864
918	1,243,206	2,670	197,757	2,018	168,483
373	1,333,106	3,268	278,143	2,128	178,140
929	1,396,003	2,945	243,282	1,959	165,155
508	1,101,326	2,092	177,415	1,669	138,936
226	1,247,315	1,859	149,259	1,657	134,851
449	1,025,812	1,708	130,158	1,583	114,996
103	1,108,257	2,698	198,251	1,897	146,367
756	974,596	1,758	127,754	1,365	103,239

and, as well as in some other Branches, those Vessels which return in Ballast; hence a greater Number will be found in the Inward Accounts.

